The Educational Manual of Madhya Pradesh

By

Madhusudan Lal Chandak

Advocate

THE LAWYERS HOME

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We have a great pleasure in placing in the hands of our Patrons, the long awaited publication "The Education Manual of Madhya Pradesh" by Shri Madhusudan Lal Chandak. Needless to mention that this is first publication of its kind ever brought in the market so far. It contains the various acts, rules and orders, which are of day to day use of the Education Department, Educational Institutions and general public at large concerning with the Educational activities.

We hope, that our patrons will welcome this publication and will send their suggestions, if any, for its further improvement, which if suitable, will have place in the next edition.

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THE EDUCATION MANUAL OF MADHYA PRADESH.

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[Act XXIII of 1965]

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THE EDUCATION MANUAL OF MADHYA PRADESH

(Being the commentary and compilation of the Educational Laws, Rules and notifications etc. prevailing in Madhya Pradesh.)

PART I.

THE MADHYA PRADESH MADHYAMIK SHIKSHA ADHINIYAM, 1965.

[Act XXIII of 1965.]

(as amended up-to-date)

(RECEIVED the assent of the Governor on the 29th of September, 1965, assent first published in the Madhya Pradesh Gazette Extraordinary on the 30th September, 1965.)

AN ACT to provide for the Establishment of a Board to regulate Secondary Education in Madhya Pradesh and other matters ancilliary thereto.

BE IT enacted by the Madhya Pradesh Legislature in the Sixteenth Year of the Republic of India as follows :—

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement— (I) This Act may be called the Madhya Pradesh Madhyamik Shiksha Adhiniyam, 1965.

(2) It extends to the whole of Madhya Pradesh.

[1][(3) This Section shall come into force at once and Sections 2 to 32 shall come into force on such date as the State Government may, by notification, appoint.]

COMMENTARY

1. Amendments— The Madhya Pradesh Madhyamik Shiksha Adhiniyam, 1965 (Act XXIII of 1965) was enacted by the Madhya Pradesh Legislature in the Sixteenth Year of the Republic of India. It received the assent of the Governor of Madhya Pradesh on the 29th day of September, 1965. It was published in the Madhya Pradesh Rajpatra (Asadharan) on the 30th day of September, 1965 at page 3904.

The Madhya Pradesh Madhyamik Shiksha Adhiniyam, 1965 was amended by the Madhya Pradesh Madhyamik Shiksha (Amendment) Ordinance, 1965 (No. IX of 1965), the Madhya Pradesh Madhyamik Shiksha (Second Amendment) Ordinance, 1965 (No. X of 1965), the Madhya Pradesh Madhyamik

1 Sub Section (3) of Section I was substituted by Section 2 of the Madhya Pradesh Madhyamik Shiksha (Sanshodhan) Adhiniyam, 1966 (Act No. 3 of 1966) published in Madhya Pradesh Asadharan Rajpatra, dated 23-2-1966 at page 973.

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Shiksha (Sanshodhan) Adhiniyam, 1966 (Act 3 of 1966), the Madhya Pradesh Madhyamik Shiksha (Sanshodhan) Adhyadesh, 1966 (No. XIV of 1966) and the Madhya Pradesh Madhyamik Shiksha (Sanshodhan) Adhiniyam, 1967 (Act 7 of 1967), respectively.

2. Preamble— The preamble of an enactment is a key to the understanding. *Dhani Ram, Vs. Joge Ram*, 1959. Punjab. L. R. 631. It is the good means of finding out the meaning. *Passarilal Monmoolal, Vs. Chuttabai*, A.I.R. 1958, M.P. 417. The meaning of the words of a statute is found not so much in a strictly grammatical construction or etymological propriety of language, nor even in its popular use, as in the subject or in the occasion in which they are used, and the object to be attained. In order, therefore to come to a decision as in the true meaning of a word used in a statute, one has to enquire as to the subject-matter of the enactment and the object which the Legislature had in view. *The State of Madhya Pradesh. Vs. Mahant Komal Puri*, A.I.R. 1965 M. P. 183. *Workmen of Dimakuchi Tea Estate, Vs. Management of Dimakuchi Tea Estate*, A.I.R. 1958. S. C. 353.=1958. S.C.R. 1156. *State of Uttar Pradesh, Vs. C. Tobit.* A.I.R. 1958. S. C. 414.=1958, S. C. R. 1275. The aid from the preamble of an enactment can be taken, because it denotes the policy and the object of the Act, and controls the wide language of the Act used in the Section. But it will be legitimate to construe the same as being confined in its ambit, so that it should fulfil the object. *H. A. Sarkies, Vs. District Magistrate, Meerut*, A.I.R. 1966. Allahabad, 458. Similarly, the headings prefixed to the Sections or the Chapters, though can not control the provisions of the enactment, yet, they furnish a key to the mind of legislature. *Lilawati, Vs. Mangal Sen*, 1964, All. L.J. 1020,=1964. All. W.R. (H.C.) 685. Of course, the preamble of an enactment cannot control or override its substantive provisions. *Zeenutinnessa Begum, Vs. Nawab Syed Waris Ali Meerza Saheb Bahadur*, A.I.R. 1965. Calcutta 475.

The preamble of the Madhya Pradesh Madhyamik Shiksha Adhiniyam, 1965 lays down that it is an act to provide for the establishment of a Board to regulate Secondary Education in the State of Madhya Pradesh and other matters ancilliary thereto, therefore, the said Act has been enacted.

3. Extent—The Madhya Pradesh Madhyamik Shiksha Adhiniyam, 1965 (Act XXIII of 1965) extends to the whole of the State of Madhya Pradesh.

4. Commencement— The Madhya Pradesh Madhyamik Shiksha Adhiniyam, 1965 (Act XXIII of 1965) has come into force on the 10th day of November, 1965. The State Government of Madhya Pradesh, in exercise of the powers conferred by sub-section (3) of Section 1 of the said Act, has appointed the 10th day of November, 1965, as the date from which Sections 2 to 32 of the same Act shall come into force. It was published in the Madhya Pradesh Rajpatra (Asadharan) of the 10th of November 1965 at page 4329 *vide* notification No. 12088-XX-2-65, Bhopal, dated the 10th of November, 1965.

5. Interpretation of Statute— When the terms of the statute are clear, there is no provision for construction or interpretation. *Ram Chand Vs. Sales-tax Officer*, A.I.R. 1965, Allahabad, 24.=1964. All. L. J. 395. It is the well settled rule that the Courts are bound to construe the enactments in the manner which would carry out the purposes. *Basant Company, Vs. The Benaras Cotton and Silk*, (1964) I. Com. L. J. 217. The construction should be harmonious. *Mohammad Ali, Vs. Sri Ram Swarup*, A.I.R. 1965, All. 161, and the addition of words are not permissible. *Abdul Gaffar, Vs. State of Andhra Pradesh.* (1965) 2, Andh. W.R. 119. Where two constructions are possible, one which is beneficial to all should be preferred. *Tata Chemicals. Vs. Kailash C.*

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Adhraryu, A.I.R. 1964, Guj. 265. *Tribhuwandas Vs. Prem Chand.* 1964. M.P. L.J. 904. See also *Mahijabhai, Mohanbhai, Vs. Patel Manibhai*, A.I.R. 1965, S. C. 1477. *State of Rajsthan, Vs. Leela Jain*, A.I.R. 1965. S. C. 1296. *Corporation of Calcutta, Vs. Liberty Cinema*, A.I.R. 1965. S. C. 1107. *Visakhapatnam, Vs. Deputy Collector*, A.I.R. 1965, Andh. Pra. 294.

Ordinary meaning should be given to a provision of law. *V. Ramachary Vs. State of Andhra Pradesh*, (1964) 2, Andh. W. R. 375. *Jagat Ram. Vs. Shanti Sarup.* A.I.R. 1965, Punj. 175. *Union of India. Vs. Raunag Singh*, 66, Punj. L.R. 703.

6. Repeal and Saving— Section 30 of this Act repeals the Madhya Pradesh Secondary Education Act, 1959 (Act X of 1959) as from the day appointed under sub-section (1) of Section 3 of the Madhya Pradesh Madhyamik Shiksha Adhiniyam, 1965 but, it further enacts that notwithstanding the repeal of the Madhya Pradesh Secondary Education Act, 1959, things done or committed to be done and action taken by any authority by or under the provisions of the said Act shall, in so far as they are not inconsistent with the provisions of the Madhya Pradesh Madhyamik Shiksha Adhiniyam, 1965, be deemed to have done or taken under this Act. For the expression "things done", please see *Ram Prasad, Vs. State of Punjab*, A.I.R. 1966, S.C. 1607.

7. Substitution of sub-section (3)— Sub-section (3) of Section 1 was originally as under :—

"It shall come into force with effect from the date specified in the notification issued under sub-section (I) of Section 3.

But, now it is substituted by Section 2 of the Madhya Pradesh Madhyamik Shiksha (Sanshodhan) Adhiniyam, 1966 (Act 3 of 1966), which was published in the Madhya Pradesh Rajpatra (Asadharan) dated the 23rd of February, 1966, at page 973. Prior to this an Ordinance, known as the Madhya Pradesh Madhyamik Shiksha (Amendment) Ordinance, 1965, published in the Madhya Pradesh Rajpatra (Asadharan) dated the 13th of December, 1965 at page 3975 was issued for making the necessary amendments, and the sub-section (3) of Section 1 of the Act was amended by clause 2 of the said Ordinance.

2. Definitions— In this Act, unless there is anything repugnant in the subject or context ;—

(a) "Board" means the Board of Secondary Education established under Section 3;

(b) "Bye-law" means a bye-law made under this Act;

(c) "Chairman" means the Chairman of the Board;

(d) "Divisional Board" means the Divisional Board established for the Revenue Commissioner's Division under Section 20;

(e) "Division Chairman" means the Chairman of the Divisional Board;

(f) "Institution" means an institution imparting Secondary Education or an institution not admitted to the privileges of any University established by law and imparting training to the teachers for a certificate or a diploma course, as the case may be, and includes a part of an institution;

(g) "Local bodies" means Municipal Corporations and Municipal Councils in the State and Janapada Sabhas in the Mahakoshal region and

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Mandal Panchayats and Kendra Panchayats in the Madhya Bharat region;

(h) "Managing Committee" means the managing committee constituted by the foundation society or the governing body, as the case may be, of a recognised institution;

(i) "Middle School Education" means such education as the State Government may by notification, define from time to time;

(j) "Recognised" with its grammatical variations used with reference to schools means recognised by the Board for the purpose of admission to the privileges of the Board:

(k) "Regulation" means a Regulation made by the Board under this Act;

(l) "Secondary Education" means the education which follows immediately the stage of Middle School Education and precedes immediately the stage of education controlled by the Universities established by law in India, [1][and includes that part of the stage of education controlled by Universities to which examination known as Intermediate Examination was conducted by the Board established and constituted under the Act repealed under Section 30, prior to the commencement of this Act.]

COMMENTARY

1. Amendment— In Section 2 (I) of the Madhya Pradesh Madhyamik Shiksha Adhiniyam, 1965, the words "and includes that part of the stage of education controlled by Universities to which examination known as Intermediate Examination was conducted by the Board established and constituted under the Act repealed under Section 30, prior to the commencement of this Act," were added by Clause 2 of the Madhya Pradesh Madhyamik Shiksha (Amendment) Ordinance, 1965 (No. 9 of 1965), which was published in the Madhya Pradesh Rajpatra (Asadharan) at page 3975 of 13-10-1965. Later on the Madhya Pradesh Madhyamik Shiksha (Sanshodhan) Adhiniyam, 1965 (Act 3 of 1966), repealing the said Ordinance, was enacted, which received the assent of the Governor of Madhya Pradesh on the 17th day of February, 1966 and published in the Madhya Pradesh Rajpatra at page 973 of the 23rd of February, 1966.

2. Importance of the Section or the Definition Clause— Per Ayyangar, J., while speaking for the Supreme Court of India in the case of the *State* of *Rajasthan Vs. Leela*, A.I.R. 1965. S.C. 1296 (A.K. Sarkar, N. Rajagopala Ayyangar and R. S. Bachawat, JJ.) it is well settled principle of law that unless the words are unmeaning or absurd, it would not be in accord with any sound principle of construction to refuse to give effect to the provisions of a statute on the very elusive ground that to give them their ordinary meaning leads to consequences which are not in accord with the notions of propriety or justice entertained by the Court. No doubt, if there are other provisions in the Statute which conflict with them, the Court may refer the one and reject the other on the ground of repugnance. Surely that is not the position everywhere. Again when the words in the Statute are reasonably capable of more than one interpretation, the object and purposes of the Statute. a general conspectus of its provisions and the con-

1 In Section 2 (I) the words were added by Section 3 of the Madhya Pradesh Madhyamik Shiksha (Sanshodhan) Adhiniyam, 1966 (Madhya Pradesh Act No. 3 of 1966) published in Madhya Pradesh Rajpatra (Asadharan) dated 23.2.1966 at page 973.

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text in which they occur might induce a Court to adopt a more liberal or a more strict view of the provisions, as the case may be, as being more consonant with the underlying purpose. But it is not possible to reject words used in an enactment merely for the reason that they do not accord with the context in which they occur, or with the purpose of the legislation as gathered from the preamble or long title.

It is also well settled principle of construction that from the presumption that the Legislature has used the same words with some meaning was not much weight. It is reasonable to presume that the same meaning is implied by the use of the same expression in every part of an Act, the presuption is not much weight, and the same word may be used in different senses in the same Statute and even in the same Section. This is more clearly brought out in Craies on Statute Law, Fifth Edition at page 159, where it is said that the presumption that the same words are used in the same meaning is very alight and it is proper, if sufficient reason can be assigned to construe a word in one part of an Act in a different sense from that which it bears in another part of an Act. This rule of construction is now recognised even by Legislative bodies since it is now usual in the interpretation clause of every Act to insert the words"unless a contrary intention appears" or "unless the context otherwise requires" or other similar words cutting down the general application of the definition. The proper rule of construction, therefore, is to look at the Section itself and find out the meaning of a word in question from the context in which it is used,though it would be permissible to find out its meaning from the other Sections, where the same word is used, if it is not possible to do so from the Section itself. *Apabhai Hemabhai Patel and others, Vs. State of Gujarat*, A.I.R. 1962, Gujarat. 218.

The expression "In this Act, unless the context otherwise requires" says that unless the context otherwise requires the words shall have the meaning assigned to them in the definition clause. The definition by itself neither creates rights nor imposes liabilities. The liability is created by the charging Section. *The Burhanpur Tapti Mills Limited, Vs. State of Madhya Pradesh*, A.I.R. 1962. Madhya Pradesh, 225. *Hazuri Singh, Vs. Vijay Singh*, 1963, M.P.L.J. (Notes) 236.=1963, Jab. L.J. 715.

3. Validity of Section— In *Queen, Vs. Justice of Cambridgeshire*, (1888) Ad. and E. 480 at page 491, Lord Benman, C.J., said "..... ...we apprehend that an interpretation clause is not to receive so right a construction; that it is not to be taken as substituting one set of words for another, nor as strictly defining that the meaning of a word must be under all circumstances. We rather think that it merely declares what persons may be comprehended within that term, where the circumstances require that they should. "The same principle is thus states by Craies on Statute Law. "Another important rule with regard to the effect of interpretation clause is not to be taken as substituting one set of words for another or as strictly defining what the meaning of a term must be under all circumstances, but rather as declaring what may be comprehended within the term where the circumstances require that it should be so comprehended. "*The Burhanpur Tapti Mills Limited, Vs. State of Madhya Pradesh*, A I.R. 1962. M.P. 225. The definition Section, therefore, ought not to be used in such a way as to defeat or enable the defeating of the purpose of the Act. The definition clause being merely a key to the interpretation of the Statute, and, therefore, could not be declared *ultra vires* and wholly void, simply because there may arise cases or circumstances when interpreting the Statute, where it would be permissible to understand the expression as defined in the definition Section. *The Central India Spinning and Weaving and Manufacturing Company Limited, Vs. The Municipal Committee, Wardha*, A.I.R. 1958, S.C. 341.=1958. M.P.L.J. 775.

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4. Construction of the Definition Clause— It is also a recognised principle of construction that general words and phrases, however, wide and comprehensive may be in their literal sense must usually be construed as being limited to the actual objects of the Act. *The Central India Spinning and Weaving and Manufacturing Company Limited, Vs. The Municipal Committee, Wardha*, A.I.R. 1958, S. C. 341. The interpretation of the definition clauses of a Statute or enactment are the keys of the enactment and they always explain and define the meaning of the words used in the enactment. Broadly speaking, it is an easy access to the provisions of the Statute or the enactments. The definitions given in the interpretation or the definition clause may substituted for the words defined any where in the Statute, unless the context otherwise does not require. It may also be used to define the words used in another cognate enactment, provided if the Statutes are practically based on one another. *Tulsiram Shaw, Vs. Pal*, A.I.R. 1953, Cal. 160. *Jainarain Ramkishan, Vs. Motiram Gangaram*, A.I.R. 1940, Nag. 24 and *Patel, Vs. Viswanatha.* A.I.R. 1954, Bhopal. 204. At the time of ambiguity, doubt, dilemma or confusion the definition or the interpretation clause of the Statute may be looked into to determine its correct scope, object, explanation or interpretation. *Shidwirappa. Vs. Shivlingappa*, 53, Bom. L.R. 539. It is also not unsafe, but unsatisfactory and probably dangerous to apply the interpretation or the definition clause in the cognate or the analogous laws, though the Legislature Anvil might have produced them in a cognate matter or in the form of twins even. *Adomson, Vs. Melbourne Board of Works*, A.I.R. 1929, P.C. 181, *Kartick Chandra, Vs. Hars.* A I.R. 1943. Cal. 345. *Rambandhu Mishra. Vs. Brahmananda.* A.I.R. 1950, Calcutta. 524.

In the definition clause singular includes plural. *Sidheshwar Mukherji, Vs. Bhubneshwar Prasad Narain Singh*, 1965, B.L.J.R. 452.

5. Words used in the definition clause— The definition clause, besides defining the words, uses certain other words and expressions, like "means" and/or "includes", "or" and "either", "shall" and "may" etc. Per Raj Kishore Prasad J., it is well settled that the expression "including" is very generally used in interpretation clause in order to enlarge the meaning of the words or phrases occuring in the body of the Statute and when it is so used, these words or phrases must be construed as comprehending not only such things as they singnify according to their natural import, but also those things which the interpretation clause declares that they shall include. The word "including" therefore is a term of extension. It imports addition. It adds the subject-matter already comprised in the definition. *S.M. James and another, Vs. Abdul Khan*, A.I.R. 1961, Patna, 242. Mr. Justice P.V. Dixit, Chief Justice of Madhya Pradesh. while speaking for the Bench consisting of His Lordship and Mr. Justice K.L. Pandey J., observed in *Calico Mills Limited, Vs. State of Madhya Pradesh*, A.I.R. 1961, Madhya Pradesh 237.=1961, M.P.L.J. 474,=1961, M.P.C. 396,=1961, Jab. L.J. 376, that it is well settled that the word "include" is used in interpretation clauses, where it is intended that while the term defined should retain its ordinary meaning, its scope should be widened by specific enumeration of certain matters which its ordinary meaning may or may not comprise so as to make the definition enumerative, and not exhaustive and when it is so used these words or phrases must be construed as comprehending not only such thing as they signify according to their natural import but also those things which the interpretation clause declares that they shall include. Again where a term is interpreted in a Statute as "including" the comprehensive sense is not to be taken as strictly defining what the meaning of the word must be under all circumstances but merely as declaring what things should be comprehended within the terms the circumstances require that they should. The word "include" is also treated as

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equivalent to the words "means and includes" sometimes. See *Calico Mills Limited. Vs. State of Madhya Pradesh*, A.I.R. 1961, Madhya Pradesh. 237. *Patel, Vs. Vishwanath Chand*, A.I.R. 1954, Bom. 204.=55. Bom. L.R. 941. *Lyons and Company, Vs. Fox.* 1919-I- K.B. 11. *Cardiner, Vs. Arts Theaters Club of London.* 1933. I.K.B. 439.=148. L.T. 266.

The words used in the interpretation or the definition clause of a Statute generally denotes extension or addition, but occasionally makes some restrictions, and therefore, in such a contingency, the Court's function is to consider the entire Statutory definition and the object and scope of the Statute. *Jagdev Vs. Surat Singh* I.L.R. (1962). 2. Punj. 300.

Lord Simonds in *Chichester, Ciocesan Fund, Vs. Simpson*, (1944) 2. All. E.R. 60.=1944. A.C. 341, observes that "These two words are joined or separated by the words "or" a particle of which the primary function is to co-ordinate two or more words between which there is an alternative. It is I think the only word in our language, apt to have this effect its primary and ordinary meaning is the same whether or not the first alternative is preceded by the word "either". The House of Lords affirmed the judgment of the Court of Appealin re *Diplock Wintle Vs. Diplock.* (1941) All. E.R. 193.=1941. Ch. 253. wherein Sir Wilfrid Greene, M.R., observed that "The word "or" is *prima facie*, and in the absence of some restraining context to be read as disjunctive, and if a testator wishes to give his trustees a discretion to apply his property either to charitable or to benevolent objects. I do not myself know that other word in the English language he can more suitably use then the word "or". I approach this question therefore, on the views that the word "or" is *prima facie* to be read as meaning what it says.". Per Bachawat J., when the word "or" is used in relation to two or more alternatives, it is not necessarily the case that the alternatives are mutually exclusive. The question as to whether they are mutually exclusive or not must be determined by applying the general rule that words should be construed to ascertain the intention of the provision in question to be collected from the whole of its term. Horsey, Vs. Gaidwell, (1946) 73, C.L.R. 304 at pages 313-314, (Australia) and *Haridas Mundra, Vs. National and Grindlays Bank Limited*, A.I.R. 1963, Calcutta, 132=67. Cal. W.N. 58. (Bachawat and Laik, JJ.)

While interpreting the Statute it should also be seen, whether the provisions are directory or mandatory. In *Collector of Monghy and others. Vs. Keshava Prasad Goenka*, A.I.R. 1962, Supreme Court, 1694 (B.P. Sinha, C.J., J.K. Subba Rao. N. Rajagopal Ayyangar, J.R. Mudholkar and T.L. Venkatarama Aiyer, JJ.), Mr. Justice Ayyangar, J., while speaking for the Supreme Court of India said that it is needless to add that the employment of the auxilliary verb "shall" is inconclusive and similarly the mere absence of the imperative is not conclusive either. The question whether any requirement is mandatory or directory has to be decided not merely on the basis of any specific provision which for instance sets out the consequences of the omission to observe the requirment and on the purpose for which the requirement has been enacted, particularly in the context of the other provisions of the Act and the general scheme thereof. It would, *inter alia*, depend on whether the requirement is insisted on as a protection for the safeguarding of the right of liberty of person or of property which the action might involve. Similarly, the use of he word "may" is discretionary or mandatory at a particular place, can only be decided with reference to the context. The word "may" does not show uncertainty or vagueness. It can also not be said that the use, the word "may" should be taken to mean unguided and uncanalised discretion leaving the matter open to the option of the authority which confirms the scheme to prepare, publish and confirm the scheme in accor-

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dance with the provisions of the Act or not. In other words, whether it gives arbitrary jurisdiction or power ? The question revolves round the meaning of the word "may" whether it is used in the enabling sense or leaves a discretion when "may" be said also to mean "may not".

The construction of the word "shall" depends on the nature of its use, *Jagdish Gandhi, Vs. Legislative Council*, A.I.R. 1966, All. 291, and whether the provisions of a Statute are mandatory or directory, can only be determined from the statutory provisions which regulate the manner in which the Government Officials has to perform their functions or duties. *Chhotabhai Jethabhai Patel Vs. State of Madhya Pradesh*, A.I.R. 1966, Madhya Pradesh, 34. The Court can determine the law after seeing the words used in the legislature, *Jalpur Ram, Vs. Deputy Commissioner*, A.I.R. 1966, Punjab, 148, and it can modify the language in good sense, *i. e.*, the Section can not be interpreted in the sense, which may lead to absurdity or manifest injustice. *Ishwar Singh Bhindra, Vs. State of Uttar Pradesh*, A.I.R. 1966, All. 168. But the definition clause must always be read subject to the qualifying clauses attached to it, *i. e.* "unless the context otherwise requires". *Balkrishnan, Vs. Ashoka Bank*, A.I.R. 1966, Ker. 42.

6. Board— The term "Board" as defined in Section 2(a) of this Act means the Board of Secondary Education established under Section 3 of this Act. The State Government. in exercise of the powers conferred under Section 3 (I) of the Madhya Pradesh Madhyamik Shiksha Adhiniyam, 1965 (Act 23 of 1965) established the Board of Secondary Education *vide* notification No. 12089-XX-2-65 Bhopal, dated the 10th day of November, 1965 with effect from the 10th of November, 1965.

The said notification was published in the Madhya Pradesh Rajpatra (Asadharan) of the 10th of November, 1965 at page 4329.

7. Chairman :—The term "Chairman" is defined in Section 2 (c) of the Act to mean the Chairman of the Board of Secondary Education. The Chairman is a person appointed by the State Government, in exercise of the powers conferred by Section 5 (I) of the Madhya Pradesh Madhyamik Shiksha Adhiniyam, 1965, the State Government appointed the Director of Public Instructions, Madhya Pradesh, as the Chairman of the Board of Secondary Education of Madhya Pradesh *vide* notification No. 12090-XX-2-65, Bhopal, dated the 10th day of November, 1965 published in the Madhya Pradesh Rajpatra, Extraordinary of the 10th of November, 1965 at page 4330.

8. Institution— The term "institution" means the institution imparting Secondary Education. What is Secondary Education, is defined in Section 2 (1) of the Act. The term "institution" "includes" a part of institution. Privileges of any University established by law and imparting training to the teachers for certificate of diploma course, as the case may be.

9. Local Bodies— The term "Local bodies" means Municipal Corporations and Municipal Councils in the State and Janapada Sabhas in the Mahakoshal Region and Mandal Panchayats and Kendra Panchayats in the Madhya Bharat Region

The term "Municipality" as defined in Section 3 (18) of the Municipalities Act, 1961 (Act. 37 of 1961) to mean the local area declared te be the municipality under Section 5 of the said Act and any other area which the State Government may, by notification, include in such area.

The term 'Corporation" means Municipal Corporation as defined in Section 5 (13) of the Madhya Pradesh Municipal Corporation Act, 1956 (Act

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23 of 1956). According to the provisions laid down in Section 7 of the said Act the Corporation shall be named after the name of the City having the Corporation as "The Municipal Corporation of .....". It shall by this name be a body corporate and have perpetual succession and a common seal, and shall by that name sue and be sued.

The term "Panchayat" as defined in Section 2 (xxii) of the Madhya Pradesh Panchayat Act includes a Gram Panchayat, a Janapada Panchayat and a Zila Panchayat. Gram Panchayat, Janpada Panchayat and Zila Panchayat are constituted under the said Panchayat Act of 1962 (Act 7 of 1962).

10. Secondary Education—The term "Secondary Education" originally was defined in Section 2 (1) of the Act to mean the education which follows immediately the stage of Middle School Education and precedes immediately the stage of education controlled by the Universities established by law in India, but later on the definition was made more exhaustive and amended by Clause 2 of the Madhya Pradesh Ordinance No. 9 of 1965 and Section 2 of the Madhya Pradesh Adhiniyam 3 of 1966 and now it includes that part of the stage of education controlled by Universites to which examination known as Intermediate Examination was conducted by the Board established and constituted under the Act repealed under Section 30 of this Act, prior to the commencement of this Act.

CHAPTER II

ESTABLISHMENT OF THE BOARD OF SECONDARY EDUCATION, ITS CONSTITUTION, FUNCTIONS ETC.

3. Incorporation of Board— (1) The State Government shall, as soon as may be, establish, by a notification, a Board of Secondary Education with effect from such date as may be specified in the notification.

(2) The Board shall be a body corporate by the name of the Board of Secondary Education and shall have perpetual succession and a common seal with power to acquire and hold property both movable, and immovable and subject to the provisions made under this Act to transfer any property held by it and to contract and do all other things necessary for the purposes of the constitution and may sue or be sued in its corporate name.

COMMENTARY

1. Establishment of Board— The State Government of Madhya Pradesh in exercise of the powers under Section 3 (1) of this Act established the Board of Secondary Education vide notification No. I2089-XX-2-65, Bhopal, dated 10th of November, 1965. The said notification was published in the Madhya Pradesh Rajpatra dated 10th of November, 1965 at page 4329.

2. Date of Effect— The Board is established with effect from the 10th day of November, 1965, the date, which is specified in the notification No. I2089-XX-2-65 of 10th of November, 1965.

3. Suits by or against Board— In suits by or against the Board of Secondary Education, any pleading may be signed and verified on behalf of the Board by the Secretary or by any director or other principal officer of the Board, who is able to depose to the facts of the case. See Order XXIX Rule I of the Code of Civil Procedure, 1908.

Any other person duly authorised by the Board under Order 6, Rule 14 of the Code of Civil Procedure, 1908 may also verify and sign the pleadings. The term "duly authorised" cannot be restricted to mean the person authorised by a proper written authority or by power of attorney. Therefore, a person

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orally authorised can also sign and verify the pleadings. *All India Reporter Limited, Bombay. Vs. Ramchandra Dhando Datar.*A. I. R. 1961. Bom. 292.

4. Service on Board :—According to the provisions laid down in Rule 2 of Order XXIX of the First Schedule of the Code of Civil Procedure, and subject to any statutory provision regulating service of process, where the suit is against the Board, the summons may be served—

(a) on the Secretary of the Board, or director or any other principal officer of the Board of Secondary Education; or

(b) by leaving or sending it by post addressed to the Board at the registered office, or if there is no registered office then at the place where the Board carries on its business.

5. Notice under Section 80 of the Code of Civil Procedure, 1908— No notice under Section 80 of the Code of Civil Procedure, 1908 to the Government is necessary for filing a suit against the Board only. But, where the Government is also a party in the suit, a notice as required by the law for the time being in force, must be given to the prescribed authority.

The Board is a corporate body, therefore, can sue and can be sued under this Section, hence no notice under Section 80 of the said Code is necessary to be given to the Government.

4. Constitution of Board— (I) The Board shall consist of the following members, namely :—

Ex-Office Members

(a) the Director of Public Instruction;

(b) the Director for Technical Education;

(c) the Joint Director of Public instruction in charge of Secondary Education, if any, or the Deputy Director of Public Instruction in charge of Secondary Education;

(d) the Circle commander of the National Cadet Corps and the Auxilliary Cadet Corps;

Elected Members

(e) One member representing each University including Indira Kala Sangit Vishwavidyalaya in the State elected by the Court or Senate of such University;

(f) five members elected by the Madhya Pradesh Legislative Assembly from amongst its members;

Members nominated by the State Government

(g) [not less than twenty-five and not more than thirty members] to be nominated by the State Government who shall include persons representing;

(i) the head of institutions recognised by the Board, including the Principals of Teachers Training Institution and Training Colleges;

(ii) teachers of institutions recognised by the Board of whom at least three shall be women;

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1 Substituted by Section (i) of the Madhya Pradesh Madhyamik Shiksha (Sansodhan) Adhiniyam, 1966. Published in the Madhya Pradesh Rajpatra (Asadharan) dated 23.2.1966 at page 973.

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(iii) managements including local bodies who run institutions recognised by the Board;

Provided that the number of representatives shall not be less than three and more than five;

(iv) the inspectorate of the Education Department and Commerce, Industries, Agriculture and Medical professions:

Provided that if the Director of Public Instruction is appointed the Chairman, the Additional Director, if any, or a Joint Director nominated by the State Government shall be ex-officio member of the Board in his place:

[1][Provided further that the members of the Madhya Pradesh Legislative Assembly who are members of the Board which shall cease to exist under clause (b) of sub-section (I) of Section 30, shall under clause (f), become the members of the Board constituted for the first time under this Act and shall notwithstanding anything contained in Section 6, continue as such, so long as they continue to be members of the Madhya Pradesh Legislative Assembly;]

[2][Provided also that if any University fails to elect a member under clause (e) within a period of one month from the date of receipt of requisition to that effect, the place of such member shall be filled by a person nominated by a person nominated by the Vice-Chancellor of such University and the person so nominated shall continue till such time as the name of member duly elected under the said clause (e) is notified in the Gazette under sub-section (3),]

(2) The Board may co-opt not more than two members who are interested in problems arising in Secondary Education.

(3) The name of every person elected, nominated or co-opted shall be notified in the Gazette.

COMMENTARY

1. **Amendments**— This Section was amended by the Madhya Pradesh Madhyamik Shiksha (Amendment) Ordinance, 1965 (No. 9 of 1965) and the Madhya Pradesh Madyamik Shiksha (Second Amendment) Ordinance, 1965 (No. 10 of 1965 and the Madhya Pradesh Madhyamik Shiksha (Sanshodhan) Adhiniyam, 1966 (Act No. 3 of 1966).

The words "not less than twenty-five and not more than thirty members" for the words "thirty members" in clause (g) of sub-section (I) of Section 4 were inserted by the Ordinance No. 9 of 1965, (published in the Madhya Pradesh Rajpatra (Asadharan) of the 13th of October, 1965 at page 3975) read with the Madhya Pradesh Act No. 3 of 1966 (published in the Madhya Pradesh Rajpatra (Asadharan) dated 23rd of Ferbruary, 1966) at page 973.

Similarly after the existing proviso, first proviso was added by Ordinance No. 9 of 1965 read with the Act No. 3 of 1966.

The Second proviso after the first proviso, which was already inserted, was inserted by the Madhya Pradesh Madhyamik Shiksha (Second Amendment) Ordinance, 1965 (No. 10 of 1965) (published in the Madhya Pradesh Rajpatra (Asadharan) of the 24th of Octobcr, 1965 at Page 4237) read with the Madhya Pradesh Madhymik Shiksha (Sanshodhan) Adhiniyam, 1966 (Act No.

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1 Inserted by Clause 4 of the Madhya Pradesh Madhyamik Shiksha (Amendment) Ordinance (No. 9 of 1965) and Section 4 (ii) of the Madhya Pradesh Madhyamik Shiksha (Sanshodhan) Adhiniyam, 1966 (Act 3 of 1966).

2 Inserted by Clause 2 of M. P. Ordinance No. 10 of 1965 and Section 4 (ii) of M. P. Act No. 3 1966.

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3 of 1966) published on 23rd of February, 1966 at page 973 of the Extraordinary Madhya Pradesh Rajpatra.

2. Scope— Section 4 of this Act deals with the Constitution of the Board of Secondry Education, Madhya Pradesh. After amendments made by Act 3 of 1966, now this Section requires that not less than twenty-five and not more than thirty members shall be nominated by the State Government, which would include the head of the institutions recognised by the Board, teachers of the institutions managements including local bodies and inspectorate of Education Department. The Director of Public Instruction, the Director for Technical Education, the Joint Director of Public Instruction in charge of Secondary Education, if any, or the Deputy Director of Public Instruction in charge of Secondary Education, and the Circle Commander of the National Cadet Corps and the Auxilliary Cadet Corps shall be the ex-offico members of the Board. One member representing each University including Indira Kala Sangit Vishwavidyalaya in the State elected by the Court or Senate of such University, and five members elected by the Madhya Pradesh Legislative Assembly from amongst its members shall be the elected members. The Board may co-opt not more than two members who are interested in problems arising in Secondary Education. The name of every person elected, nominated or co-opted shall be notified in the Gazette.

5. Appointment of Chairman and term of Office and conditions of his Service— (1) The Chairman shall be such person as may be appointed by the State Government, by notification in this behalf.

(2) The term of office and other conditions of service of the Chairman shall be such as may be prescribed by Rules.

COMMENTARY

1. Rules— The State Government in exercise of powers conferred on it under section 27 of the Madhya Pradesh Madhyamik Shiksha Adhiniyam, 1965 (Madhya Pradesh Act No. 23 of 1966) and vide notification No. 728-3519-XX-(2) of 12th day of December, 1966, made the "Madhya Pradesh Madhyamik Shiksha Niyam, 1966," which are published in this book.

The said Rules were published in the Madhya Pradesh Rajpatra, part IV (Ga), dated the 12th day of January, 1968, at pages 22 to 26.

2. Notifications— The State Government of Madhya Pradesh vide Notification No. 12089-XX-2-65, Bhopal, dated the 10th day of November, 1965 published in the Madhya Pradesh Rajpatra (Asadharan) dated the 10th day of November, 1965 at page 4329 and in exercise of the powers conferred by sub-section 3 of the Madhya Pradesh Madhyamik Shiksha Adhiniyam, 1965 established the Board of Secondary Education with effect from the 10th day of November, 1965.

The State Government of Madhya Pradesh further vide notification No. 12090-XX-2-65, Bhopal dated the 10th day of November, 1965, published in the Madhya Pradesh Rajpatra (Asadharan) dated the 10th of November, 1965 at page 4330 and in exercise of the powers conferred by sub-section (I) of section of the Madhya Pradesh Madhyamik Shiksha Adhiniyam, 1965 appointed the Director of Public Instructions Madhya Pradesh as the Chairman of the Board of Secondary Education, Madhya Pradesh.

3. Scope— Section 5 of this Act deals with the appointment of Chairman and term of office and conditions of his service. Rule 3 of the Madhya Pradesh Madhyamik Shiksha Niyam, 1966 enacts that the Chairman shall hold office for a term of three years from the date on which he enters upon his service and shall be eligible for re-appointment. The Chairman, other than an ex officio

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Chairman shall be a whole time salaried officer of the Board and shall be appointed on such salary as may be fixed by the State Government in the scale of Rs. 1500-75-1800. If a Government Servant, the said Rule further says, serving in the State as the member of any of the All India Services or of the State Service is appointed as an ex-officio Chairman, he shall not be entitled to any deputation allowance, but shall be entitled to a special pay of Rs. 200/- per month, in case he is not already in receipt of any special pay for the post he is holding under the State Government.

6. Term of office and filing of casual vacancy, etc.—(1) The term of office of members other than ex-officio members or nominated members shall ordinarily be five years:

Provided that the Board may specify a shorter term of office for a co-opted member.

(2) The period of five years referred to in sub-section (I) shall, in the case of first members of the Board be counted from the date specified in the notification issued under sub-section (I) of Section 3 and in the case of members holding office for the time being, thereafter from the date on which the term of office of the member immediately preceding expired.

(3) If any elected member ceases for any reason to be a member of the body from which he was elected, he shall cease to be a member and his office shall become vacant.

(4) The term of office of the nominated members shall be three years from the date of the nomination regarding nomination under sub-section (3) of Section 4.

(5) Notwithstanding anything contained in this Section, an outgoing member shall unless the State Government otherwise directs, continue in office until the election, nomination or co-option of his successor is notified.

(6) If the State Government considers that the continuance in office of any nominated member is not in the public interest, the State Government may make an order terminating his nomination and thereupon he shall cease to be a member of the Board notwithstnading that the term for which he was nominated has not expired.

(7) Any member of the Board other than a co-opted member may resign his office by a letter addressed to the State Government. The co opted member may resign his office by a letter addressed to the Board. The resignation shall take effect from the date of its acceptance by the State Government or the Board, as the case may be.

(8) In the event of a casual vacancy occurring by reason of the death, resignation or termination of nomination of a member or for any other reason, such vacancy shall be filled by election, nomination or co-option, as the case may be, and any person elected, nominated or co-opted to fill such vacancy shall hold office for the term for which it was tenable by the person in whose place he has been so elected, nominated or co-opted and no longer.

(9) An outgoing member shall, if otherwise qualified be eligible for re-election, re-nomination or re-co-option.

7. Quorum— The quorum for every meeting of the Board shall be fifteen.

8. Powers of the Board— The Board shall have the following powers, namely :—

(a) to prescribe courses of instruction in such branches of Secondary Education, as it may think fit;

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(b) to conduct examinations based on such courses and take all steps ancillary thereto;

(c) to admit to its examinations, on conditions that may be prescribed, candidates who have pursued the prescribed courses of instruction—

(i) in institutions recognised by the Board ; or

(ii) privately:

[1][Provided that no candidate shall be admitted privately unless he is resident in Madhya Pradesh for a period of not less than two years prior to the date of the commencement of the examination at which he desires to appear:

Provided further that the candidate whose applications for admission have been entertained under the Act repealed under Section 30, shall be admitted to the Examination to be held in the year 1966 and supplementary examinations arising therefrom:]

[2][Provided also that the candidates, who were admitted in the examination under the foregoing proviso but have failed therein, shall be admitted to the examination to be held in the year 1967 and 1968 and supplementary Examinations arising therefrom.]

[3][Provided that no candidate shall be admitted privately unless—

(i) he is a bonafide resident of Madhya Pradesh; or

(ii) he is a son or daughter of—

(a) an employee of—

(i) the Government of Madhya Pradesh; or

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1 By Clause 5 of the Madhya Pradesh Madhyamik Shiksha (Amendment) Ordinance, 1965 (Act No. 9 of 1965) the proviso containing the words "Provided that no candidate shall be admitted privately unless he is a resident of Madhya Pradesh" to Section 8 (c) were added, but later on the first two provisos were added by Section 5 of the Madhya Pradesh Madhyamik Shiksha (Sanshodhan) Adhiniyam, 1966 (Act No. 3 of 1966).

2 The third proviso to Section 8 (c) was added by Clause 2 of the Madhya Pradesh Madhyamik Shiksha (Sanshodhan) Adhyadesh, 1966 (No. 14 of 1966) and Section 2 of the Madhya Pradesh Madhyamik Shiksha (Sanshodhan) Adhiniyam, 1967 (Act No. 7 of 1967.)

3 For the provisos of clause (c) of Section 8 of the Madhya Pradesh Madhyamik Shiksha Adhiniyam, 1965 (Act 23 of 1965), the above provisos and Explanation are substituted by clause 2 of the Madhya Pradesh Madhyamik Shiksha (Sanshodhan) Adhyadesh. 1968 (No. 6 of 1968) published in the Madhya Pradesh Rajpatra, Asadharan, of the 1st day of July, 1968 on page 1111 in English and on page 1109 in Hindi vide notification No. 21792-21-Aa-(Pra.). Formerly by Clause 5 of the Madhya Pradesh Madhyamik Shiksha (Amendment) Ordinance, 1965 (Ordinance No. 9 of 1965) the proviso containing the words "Provided that no candidate shall be admitted privately unless he is a resident of Madhya Pradesh" to Section 8 (c) was added, but later on the first two provisos were added by Section 5 of the Madhya Pradesh Madhyamik Shiksha (Sanshodhan) Adhiniyam. 1966 (Act No. 3 of 1966), and the third proviso to Section 8 (c) was added by clause 2 of the Madhya Pradesh Madhyamik Shiksha (Sanshodhan) Adhyadesh, 1966 (Ordinance No. 14 of 1966) and Section 2 of the Madhya Pradesh Madhyamik Shiksha (Sanshodhan) Adhiniyam 1967 (Act No. 7 of 1967), which are now substituted, by the Ordinance No 6 of 1968.)

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(ii) the Central Government or of any other State Government who is posted in Madhya Pradesh, or

(b) any person employed in an undertaking situate in Madhya Pradesh and carried on by or under the authority of any Department of the Central Government or the State Government;

(iii) he was admitted to the examination of the Board but has absented therefrom or failed therein; or

(iv) he has enrolled himself in the correspondence courses of the Board;

Provided further no candidate other than one falling under clause (iii) of the first proviso shall be admitted privately to the Intermediate Examination and the Secondary School Certificate Examination for Adult Women unless such candidate has been enrolled in the Correspondence Courses of the Board.

Explanation—For the purposes of this Clause—

(a) a candidate shall be deemed to be a bonafide resident of Madhya Pradesh, if—

(i) he himself; and

(ii) his father, or if the father is not alive, his mother and where the candidate is a married woman, her husband, or

(iii) his guardian, if his father and mother are dead.;

has resided in the State for not less than six years immediately preceding the date of commencement of the examination at which he desires to appear;

(b) "guardian" in relation to a candidate means any person who, in the opinion of the District Magistrate of the District in which the candidate resides, has after the death of his father or mother or of both, actual charge of, or control over, the candidate since the death of his father or mother or of both, as the case may be.)

(d) to establish the results of its Examinations;

(e) to grant diplomas or certificates to persons who have passed the Examinations of the Board;

(f) to recognise institutions situated in Madhya Pradesh for the purposes of admitting them to the privileges of the Board;

(g) to call for reports from the Director of Public Instruction on the condition of recognised Institutions or of Institutions applying for recognition or to direct inspection of such Institutions;

(h) to adopt measures to promote physical, moral and social welfare of students in recognised Institutions and to prescribe conditions of their residence and the discipline;

(i) to organise and provide lectures, demonstrations, educational exhibitions and to take such other measures as are necessary to promote the standard of secondary education;

(j) to institute and award scholarships, medals and prizes under conditions that may be prescribed;

(k) to demand and receive such fees as may be prescribed including less for registration of teachers and Managing Committees applying for registration as such;

(l) to take all steps for the purposes of controlling, supervising and directing the functioning of a Divisional Board;

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(m) to advise the State Government as to take courses of instruction and syllabi of Middle School Education with a view to secure co-ordination between Middle School and Secondary Education;

(n) to do all other things ancilliary to any of the purposes specified above or for the purposes of carrying into effect the provisions of this Act.

COMMENTARY

1. **Amendments**— Clause 5 of the Madhya Pradesh Madhyamik Shiksha (Amendment) Ordinance, 1965, (No. 9 of 1965), published in the Madhya Pradesh Rajpatra (Asadharan) dated the 13th day of October, 1965, at page 3975 added a proviso "Provided that no candidate shall be admitted privately unless he is a resident of Madhya Pradesh" to clause (c) of Section 8 of the Madhya Pradesh Madhyamik Shiksha Adhiniyam, 1965 (Act 23 of 1965). Later on the Madhya Pradesh Madhyamik Shiksha (Sanshodhan) Adhiniyam, 1966 (Act No. 3 of 1966) repealing the above mentioned Ordinane No. 9 of 1965 was enacted. By Section 5 of the Sanshodhan Adhiniyam No. 3 of 1966 the first two provisos were added to clause (c) of Section 8 of the Madhya Pradesh Madhyamik Shiksha Adhiniyam, 1965. The Sanshodhan Adhiniyam No. 3 of 1966 was published in the Madhya Pradesh Rajpatra (Asadharan) dated the 23rd day of February, 1966, at page 973.

The last proviso to clause (c) of Section 8 of the Madhya Pradesh Madhyamik Shiksha Adhiniyam, 1965 (Act No. 23 of 1965) was added by Clause 2 of the Madhya Pradesh Madhyamik Shiksha (Sanshodhan) Adhyadesh 1966 (No. 14 of 1966), which was published in the Madhya Pradesh Rajpatra (Asadharan) dated the 10th day of October, 1966 at page 2467, and read with Section 2 of the Madhya Pradesh Madhyamik Shiksha (Sanshodhan) Adhiniyam, 1967 (Act No. 7 of 1967) published in the Madhya Pradesh Rajpatra (Asadharan) dated the 26th day of April, 1967, at page 1542.

Later on, the provisos to Clause (c) of Section 8 of this Act, were substituted by the Madhya Pradesh Madhyamik Shiksha (Sanshodhan) Adhiniyam, 1968 (Madhya Pradesh Ordinance No. 6 of 1968), which is published in the Madhya Pradesh Rajpatra, Extraordinary, of the 1st day of July, 1968 at page 1109 in Hindi and at page 1111 in English, vide notification No. 21791-XXI-Aa-(Pra.).

2. **Scope**— Section 8 deals with the powers of the Board.

[1][**8-A. Special provision for the members of the Armed Forces and their children**;—Notwithstanding anything contained in clause (c) of Section 8, the Board may admit to its examinations—

(a) the members of the Naval, Military and Air Forces or of any other Armed Forces of the Union; and

(b) children of such members, who have pursued the prescribed courses of instructions privately, if such members—

(i) being originally resident of this State have left the State by reason of their having been posted outside the State during the course of their service as member of the aforesaid forces, or

(ii) being originally resident of other States are residing in this State by reason of their having been posted in this State during the course of their service as member of the aforseaid forces.]

1 Added by Section 3 of the Madhya Pradesh Madhyamik Shiksha (Sanshodhan) Adhiniyam, 1967 (Act 7 of 1966).

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COMMENTARY

1. **Amendment**— Section 8-A was inserted by clause 3 of the Madhya Pradesh Madhyamik Shiksha (Sanshodhan) Adhyadesh, 1966 (Act No. 14 of 1966) and Section 3 of the Madhya Pradesh Madhyamik Shiksha (Sanshodhan) Adhiniyam, 1967 (Act No. 7 of 1967).

2. **Scope**— This Section enacts the special provision for the members of the Armed Forces and their children. In fact, this section can be read as an addition to clause (c) of section 8 of this Act.

9. **Powers of the State Government**— (1) The State Government shall have the right to address the Board with reference to anything conducted or done by the Board or the Divisional Board and to communicate to the Board its views on any matters with which the Board or the Divisional Board is concerned.

(2) The Board shall report to the State Government such action, if any, as it proposes to take or has taken upon the communication, and shall furnish on explanation if it fails to take action.

(3) If the Board does not within a reasonable time take action to the satisfaction of the State Government, the State Government may, after considering any explanation furnished or representation made by the Board issue such directions consistent with this Act as it may think fit, and the Board or the Divisional Board,, as the case may be, shall comply with such directions.

(4) When any emergency in the opinion of the State Government requires that immediate action should be taken, the State Government may exercise such of the powers of the Board of the Divisional Board under this Act, as it deems necessary without previous consultation with the Board, or the Divisional Board, and shall forthwith inform the Board of the action taken.

(5) The State Government may, by order in writing specifying the reasons thereof, suspend the execution of any resolution or order of the Board or a Divisional Board and prohibit the doing of an act ordered to be or purporting to be ordered to be done by the Board or a Divisional Board, if the State Government is of the opinion that such resolution, order or act is in excess of the powers conferred by or under this Act upon the Board or the Divisional Board.

(6) Whenever any action is taken by the State Government under sub-sections (3), (4) or (5), a report thereof shall be laid on the table of the Legislative Assembly at the earliest possible opportunity stating the reasons for such action.

10. **Constitution of Board Fund**—A Board Fund shall be formed for the Board, and all sums received by or on behalf the Board under this Act or otherwise shall be placed to the credit thereof.

11. **Custody and Investment of Board Fund**—All moneys at the credit of the Board Fund shall be kept in the Government treasury or at any Bank as the Board may with the approval of the Government:

Provided that nothing in this Section shall be deemed to preclude the Board from investing such moneys as are not required for immediate expenditure in any of the Government securities.

12. **Application of the Board Fund**—Subject to the provisions of this Act, the Board Fund shall be applicable only to the payment of the charges and expenses incidental to the several matters specified in this Act and to any other purpose for which by or under this Act powers are conferred or duties imposed upon the Board or a Divisional Board.

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13. Budget— (1) The Board shall prepare in such manner as may be prescribed by Regulations the budget for the ensuing financial years and forward it to the State Government for its sanction not later than the thirty-first day of January preceding such financial year. The State Government may pass such orders with reference thereto as it thinks fit and shall communicate the same to the Board by the 31st day of March preceding such financial year and the Board shall give effect to such orders:

Provided that if no sanction is communicated to the Board by the 31st day of March referred to above, the budget shall be deemed to have been sanctioned by the State Government without any modification.

(2) The Board may, if it considers it necessary so to do, prepare a supplementary budget during any financial year for such year and submit it to the State Government for its sanction not later than the thrity-first day of October, in the said financial year. The State Government may pass such orders with reference thereto as it thinks fit and shall communicate the same to the Board by the 30th day of November of the said financial year and the Board shall give effect to such orders:

Provided that if no sanction is communicated to the Board by the 30th November, the supplementary budget shall be deemed to have been sanctioned by the State Government without any modification.

14. Audit of Accounts of Board—The accounts of the Board and the Divisional Boards shall be audited annually, by such agency as may be specified by the State Government, and a copy of the audited accounts and balance sheet shall be submitted by the Board to the State Government by such date each year as the State Government may, by rules, specify.

15. Powers and Duties of Chairman—(1) It shall be the duty of the Chairman to see that this Act, and the Regulations are faithfully observed and he shall have all powers necessary for this purpose.

(2) The chairman may whenever, he thinks fit, call a meeting after giving a notice of not less than twenty-one clear days and shall be bound to do so, within fourteen days of the receipt of a written requisition signed by not less not less than twenty members of the Board and stating therein the business to be brought before the meeting.

(3) In any emergency, arising out of the business of the Board which in the opinion of the Chairman requires that such immediate action should be taken the Chairman shall take action as he deems necessary, and shall thereafter report his action to the Board at its next meeting.

(4) The Chairman shall exercise such other powers as may be vested in him by Regulations.

16. Appointment, powers and duties of Vice-Chairman— (1) The State Government may in consultation with the Chairman appoint any person to be a Vice-Chairman of the Board.

(2) The term of the office and other conditions of service of the Vice-Chairman shall be such as may be prescribed by Rules.

(3) The Vice-Chairman shall assist the Chairman, in all matters administrative or academic and shall exercise such powers and perform such functions of the Chairman as may be delegated or entrusted to him by the Chairman.

COMMENTARY

1. **Rules** :—The State Government of Madhya Pradesh in exercise of powers conferred by Section 27 of the Madhya Pradesh Madhyamik Shiksha

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Adhiniyam, 1963 and vide notification No. 728-3519-XX-(2) of the 12th day of December, 1965 enacted the "Madhya Pradesh Madhyamik Shiksha Niyam, 1966" which are given in this book. The said Niyam were published in the Madhya Pradesh Rajpatra, Part IV (Ga) dated the 12th day of January, 1968 at pages 22 to 26.

2 **Vice-Chairman** :—According to Rule 4 of the Madhya Pradesh Madhyamik Shiksha Niyam, 1966 the Vice-Chairman shall hold office for a term of three years from the date on which he enters upon his office and shall be eligible for re-appointment. He is a whole-time salaried officer of the Board appointed on such salary as may be fixed by the State Government in the scale of Rs. 1100/-30-1160-40-1200 plus a special pay of Rs. 150/- per month. If an officer belonging to any of the All India Service or the State Service is appointed a Vice-Chairman, he shall not be entitled to any deputation allowance but shall, in addition to his grade pay, be entitled to a special pay of Rs. 150/- per month.

17. Office and Servants of Board— (1) There shall be a Secretary and such number of Deputy Secretaries to the Board as the State Government may consider necessary.

(2) Appointment of the Secretary and the Deputy Secretaries shall rest with the State Government.

(3) The Board may, subject to the provisions of sub-section(5), appoint such number of Assistant Secretaries and such other officers and servants as it considers necessary for the efficient performance of its functions.

(4) The qualifications, the conditions of appointment and service and the scales of pay of officers and servants of the Board shall—

(a) as respects the Secretary, and the Deputy Secretaries be such as may be specified by Rules made by the State Government; and

(b) as respects Assistant Secretaries, other officers and servants as may be determined by Regulations made under this Act.

(5) The Board shall not create a post carrying an initial salary of Rs. 400/- or more nor the Board shall appoint any person to a post carrying such initial salary save with the prior approval of the State Government.

COMMENTARY.

1. Rules— The State Government of Madhya Pradesh in exercise of the powers conferred by Section 27 of the Madhya Pradesh Madhyamik Shiksha Adhiniyam, 1965 (Act No. 23 of 1965) and vide notification No. 728-3549-XX-(2) dated the 12th day of December, 1966 enacted the "Madhya Pradesh Madhyamik Shiksha Niyam, 1966" and published in the Madhya Pradesh Rajpatra, Part IV (Ga). dated 12th day of January, 1968, at pages 22 to 26.

2. Secretary— A Secretary of the Board is a whole time salaried officer. His scale of pay, according to the Madhya Pradesh Madhyamik Shiksha Niyam, 1966, is Rs. 1100-1100-30-1160-40-1200. If a Government Servant serving in the State as member of the All India Service or of the State Service is appointed as Secretary of the Board, he shall not be entitled to any deputation allowance, but shall in addition to his grade pay, be entitled to a special pay of Rs. 100/- per month.

A person shall not be qualified for the appointment as a Secretary of the Board unless he is or has been or is qualified to be Principal of the Post Graduate Training College in Madhya Pradesh.

3. Deputy Secretary— The Deputy Secretary is a whole time salaried officer of the Board. His scale of pay, according to Rule 5 of the Madhyamik

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Shiksha Niyam, 1966 is Rs. 550-550-30-700-700-EB-30 850-25-950. A person shall not be qualified for appointment as a Deputy Secretary of the Board unless he is or has been or is qualified to be a Divisional Superintendent of Education or Deputy Director of Public Instruction or Professor of the Post-Graduate Basic Training College in Madhya Pradesh.

18. Powers and Duties of Secretary—(1) The Secretary shall be the principal administrative officer and shall, subject to the control of the Chairman, perform such duties as may be assigned to him by the Board.

(2) The Secretary shall be responsible for seeing that all moneys are expended on the purposes for which they are granted or allotted.

(3) The Secretary shall be responsible for keeping the minutes of the Board.

(4) The Secretary shall be entitled to be present and to speak at any meeting of the Board and the Executive Committee but shall not be entitled to vote thereat.

(5) The Secretary shall exercise such other powers as may be laid down in Regulations.

19. Executive Committee—(1) There shall be constituted an Executive Committee consisting of the members of the Board, as follows :—

(a) the Chairman of the Board;

(b) the Director of Public Instruction;

(c) two members to be elected by the Board from amongst the members elected under clause (f) of sub-section (I) of Section 4;

(d) two members to be elected by the Board from amongst the members nominated under sub-clause (i) and (ii) of clause (g) of sub-section (I) of Section 4;

(e) three members to be elected by the Board from amongst the members nominated under sub-clauses (iii) and (iv) of clause (g) of sub-section (I) of Section 4;

(f) one member to be nominated by the State Government to represent any interest not otherwise represented on the Executive Committee.

(2) The Chairman and Secretary of the Board shall act as Chairman and Secretary respectively of the Executive Committee.

[1][(3) The term of office of members of the Executive Committee shall be two years so, however, that the said term shall not extend beyond the term of the Board which constituted the said Executive Committee.]

(4) The Executive Committee shall exercise such powers and perform such functions as may be prescribed by Regulations.

COMMENTRY.

1. Amendment— Sub-Section (3) of this Section was substituted by clause 6 of the Madhya Pradesh Madhyamik Shiksha (Amendment) Ordinance, 1965 (No. 9 of 1965) which was published in the Madhya Pradesh Rajpatra (Asadharan) dated the 13th day of October, 1965 at page 3975, and Section 6 of the Madhya Pradesh Madhyamik Shiksha (Sanshodhan) Adhiniyam, 1966 (Act No. 3 of 1966) published in the Madhya Pradesh Rajpatra (Asadharan) dated the 23rd day of February, 1966 at page 973.

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1 Substituted by Section 6 of the Madhya Pradesh Madhyamik Shiksha (Sanshodhan) Adhiniyam, 1967 (Act No. 3 of 1966).

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2. Scope— This Section deals with the constitution, term of office of members, powers and functions of the Executive Committee.

CHAPTER. III.

DIVISIONAL BOARD

20. Divisional Board— (1) There may be constituted for each Revenue a Divisional Board consisting of the Divisional Chairman and the following members :—

(a) a Principal of the Post-Graduate Basic Training College in the Revenue Division and if there be more than one such colleges in the Division, senior-most amongst such Principal;

(b) Divisional Superintendent or Superintendents of Education within the Revenue Division;

(c) One District Education Officer in the Division to be nominated by the State Government by rotation every year;

(d) One member of Legislative Assembly representing a constituency or a part of a constituency in the Revenue Division, to be nominated by the State Government;

(e) Mayor of the Municipal Corporation or President of the Municipal Council, as the case may be, situated at the Divisional Headquarters;

(f) One person interested in Secondary Education nominated by the State Government.

(2) The headquarter of the Divisional Board shall be located at the headquarter of the Revenue Division.

(3) The Chairman of the Divisional Board shall be such person as may be appointed by the State Government, by notification, in this behalf and shall be deemed to be a member of the Divisional Board.

(4) The term of office of the members nominated under [1][clauses (d) and (f) of sub-section (1)] shall be three years from the date of notification of their nomination in the Gazette.

(5) The Secretary of the Divisional Board shall be such person as may be appointed by the State Government as such.

(6) Subject to the other provisions of this Act, the Rules and the Regulations made therunder, the Divisional Chairman and the Secretary of the Divisional Board shall, in relation to matters pertaining to the Divisional Board, exercise the same powers and perform the same functions which the Chairman or the Secretary, as the case may be, of the Board exercise or performs in relation to matters pertaining to the Board.

COMMENTARY.

1. **Amendment**— In sub-section (4) of Section 20 of this Act, the word "clauses (d) and (f)" were substituted by the words "clauses (d) and (f) of sub-section (1)" by Section 7 of the Madhya Pradesh Madhyamik Shiksha (Sanshodhan) Adhiniyam, 1967 (Act No. 3 of 1966.).

2. **Scope**— This Section deals with the constitution, location, term of office of the members, powers and duties of the Divisional Board.

21. Term of office and conditions of service of the Divisional Chairman and Secretary— The term of office and other conditions of service of the Divisional

1 Substituetd by Section 7 of M. P. Act No. 3 of 1966.

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chairman and the Secretary of the Divisional Board shall be such as may be prescribed by Rules.

22. Powers and functions of the Divisional Board—Subject to the provisions of this Act and the control, supervision and direction of the Board,the powers and duties of a Divisional Board shall be as follows:—

(a) to advise the Board on matters of importance relating to the Division either referred to it or of its own initiative regarding the standards and requirements of secondary schools;

(b) to conduct in the area of its jurisdiction the examinations on behalf of the Board;

(c) to recommend opening of centres within its jurisdiction for the conduct of Board Examinations;

(d) to inspect and recommend recognition of secondary schools and to recommend withdrawal of such recognition according to Regulations prescribed by the Board;

(e) to admit candidates for the Examinations of the Board according to the Regulations made in this behalf;

(f) to appoint supervisors, to organise tabulation of results and compile and forward results to the Board;

(g) to forward list of candidates according to merit for the purpose of scholarhips, etc. within its jurisdiction;

(h) to deal with cases of use of unfair means during Examinations;

(i) to exercise such other powers and to perform such other functions as may be delegated or entrusted to it by the Board.

23. Board to have control over Divisional Board and to provide for fund and staff— (1) The Board shall have power of superintendence and control over all matters pertaining to the Divisional Board and the Divisionl Board shall in the discharge of its functions under this Act be bound by such directions as may be given to it by the Board.

(2) It shall be the duty of the Board to place at the Divisional Board such fund and such number of officers and other staff as may be necessary for the efficient performance of the functions entrusted to the Divisional Board by or under this Act .

CHAPTER . IV

MISCELLANEOUS .

24. Constitution of Committee, etc.—(1) The Board shall constitute the following Committees, namely :—

(a) Committees of Courses;

(b) an Examination Committee;

(c) a Recognition Committee;

(d) a Finance Committee;

(e) A Curriculam Committee;

(f) such other Committees, if any, as may be prescribed by Regulations.

(2) Every such Committee shall consist of such members of the Board and of such other persons, if any, as the Board may think fit.

(3) Every such Committee may co-opt persons to be members not exceeding one-third of the members appointed to it.

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(4) Members of such Committees except the co-opted members shall hold office during such time as the Board which appointed them specifies from time to time :

Provided that if the term of the Board appointing such Committee expires before the term so specified the Committees shall hold office till new Committees are appointed by the successor Board.

(5) The co-opted members shall hold office for a period of one year.

25. Exercise of powers delegated by Board to Committee etc.—All matters relating to the exercise by the Board of the powers conferred upon it by this Act which have, by Regulation been delegated by the Board to the Executive Committee or to any other Committee constituted under Section 24 shall stand referred to the Committee, and the Board before exercising any such powers shall receive and consider the report of the Committee with respect to the matter in question:

Provided that where in the opinion of the Board immediate action is necessary with respect to any such matter, it may proceed to deal with it without the report of the Committee in respect thereof and pass such orders thereon as it considers necessary.

26. Proceedings not invalidated by reason of vacancies etc.—Subject to the provisions of this Act or any Rules, Regulations or bye-laws made thereunder, no act or proceeding of the Board, a Divisional Board. the Executive Committee or of a Committee constituted under Section 24 shall be invalid merely by reason of the existence of a vacancy amongst the members of the Board, the Divisional Board or such Committee.

27. Power to make Rules—(1) The State Government may after previous publication, make Rules for carrying out all or any of the purposes of this Act.

(2) All Rules made under sub-section (1) shall be laid on the table of the Legislative Assembly.

28. Powers of Board to make Regulations—(1) The Board may make Regulations for the purpose of carrying into effect the provisions of this Act.

(2) In particulars and without prejudice to the generality of the foregoing power, the Board may make Regulations providing for all or any of the following matters, namely :—

(a) powers and duties of the Executive Committee constituted under Section 19;

(b) the constitution, powers and duties of Committees constituted under Section 24;

(c) the award of diplomas or certificates;

(d) the conditions of recognition of institutions for the purposes of admission to the privileges of the Board and framing of a School Code to ensure a minimum standard of efficient and uniform management of such Schools;

(e) the courses of study to be laid down for all diplomas or certificates;

(f) the conditions under which candidates shall be admitted to the examinations of the Board and shall be eligible for diplomas or certificates;

(g) the fees for admission to the Examination of the Board;

(h the conduct of Examinations;

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(i) the appointment of Examiners and their duties and powers in relation to the Board's Examinations;

(j) the admission of institution to the privileges of recognition and the withdrawal of recognition;

(k) the appointment of officers, clerks and other servants of the Board and the conditions of their service;

(l) the constitution of Provident Fund for the benefit of the officers, clerks and other servants employed by the Board;

(m) the control, administration, safe custody and management in all respects of the finances of the Board; and

(n) all matters which by this Act are to be or may be provided for by Regulations.

(3) The Regulations made under this Section shall be subject to the condition of previous publication in the manner set forth in Section 24 of the Madhya Pradesh General Clauses Act, 1957 (Act 3 of 1958), and shall not take effect until they have been sanctioned by the State Government and published in the Gazette.

(4) When the final draft of the Regulations is submitted by the Board to the State Government for sanction under sub-section (3), the State Government shall within a period of three months from the date of submission of such draft communicate to the Board either its sanction or refusal to the draft or may suggest such modifications therein as may be deemed necessary in the draft. If the State Government, fails to take any action, the final draft, as submitted by the Board shall be deemed to have been sanctioned by the State Government and shall be published in the Gazette accordingly.

29. Powers to make bye-laws—(1) The Board, the Divisional Board, the Executive Committee and the Committees Constituted under Section 24, may make bye-laws consistent with this Act and the Regulations—

(a) having paid down the procedure to be observed at meeting and the number of members required to from a quorum;

(b) providing for all matters which, consistently with this Act and the Regulations, are to be provided for by any bye-laws; and

(c) providing for all other matters solely concerning the Board, Divisional Board, Executive Committee and Committees constituted under Section 24 and not provided for by this Act or the Rules or the Regulations.

(2) The Board, the Divisional Board, the Executive Committee and the Committees constituted under Section 24 shall make bye-laws providing for the giving of notice to their members, of dates of meetings, and of the business to be considered at meetings and for the keeping of a record of the proceedings of meetings.

(3) The Board may direct the amendment or rescission of any bye-laws made under this Section by a Division Board, the Executive Committee or any Committee constituted under Section 24 and such Board or Committee shall effect to the direction.

CHAPTER. V.

REPEAL, ETC.

30, Repeal and Saving—(1) As from the date specified for the establishment of the Board under sub-section (1) of Section 3 the following consequences shall ensue, namely;—

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(a) the Madhya Pradesh Secondary Education Act, 1959 (Act No. 10 of 1959) shall stand repealed;

(b) the Board of Secondary Education existing immediately before the date aforesaid shall cease to exist;

(c) all assets and liabilities of the Board referred to in clause (b) shall vest in the Board established under Section 3;

(d) all employees belonging to or under the control of the Board referred to in clause (b) become immediately the employees of the Board established under Section 3;

Provided that the terms and conditions of service of such employees shall not, until altered by a competent authority, be less favourable than those admissible to them while in service of the Board referred to in clause (b);

(e) all records and papers belonging to the Board referred to in clause (b) shall vest in and be transferred to the Board established under Section 3.

(2) Nowithstanding the repeal of the Madhya Pradesh Secondary Education Act, 1959 (Act X of 1959), things done or committed to be done and action taken by any authority by or under the provision of the said Act shall, in so far as they are not inconsistent with the provisions of this Act, be deemed to have been done or taken under this Act.

31. Transitory Provision—Notwithstanding anything contained in this Act, the Executive Committee constituted under Act repealed under Section 30, shall continue to function till such time as the Executive Committee is constituted in accordance with the provisions of Section 19.

32. Power to remove difficulty—If any doubt or difficulty arises in giving effect to the provisions of this Act, the State Government may, by order, make such provisions, not inconsistent with the purposes of this Act, as appear to them to be necessary or expedient for removing the doubt or difficulty.

REGULATIONS OF THE BOARD OF SECONDARY EDUCATION, MADHYA PRADESH, BHOPAL.

Notification No. ACD/1/22-2-67. Date the 17th April, 1967.:—In exercise of the powers conferred by sub-section (4) of Section 28 of the MADHYA PRADESH MADHYAMIK SHIKSHA ADHINIYAM, 1965 (Act 23 of 1965), the Regulations of the Board of Secondary Education, Madhya Pradesh are published for information of all concerned. These Regulations have been approved by the State Government vide Memo. No. 712/4435/XX-2 dated 8th December, 1966.

CHAPTER. I

PRELIMINARY.

1. These Regulations may be called the Board of Secondary Education, Madhya Pradesh Regulations, 1965.

COMMENTARY

The Board of Higher Secondary Education, Madhya Pradesh Regulations, 1965 were made in exercise of the powers conferred by Section 23 (4) of the Madhya Pradesh Madhyamik Shiksha Adhiniyam, 1965, vide notification No. ACD/-I/22-2-67 of 17-4-1967, and published in the Madhya Pradesh Rajpatra, Part IV (Ga.) dated the 18th of August, 1967, at page 561. They are approved by the State

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Government of Madhya Pradesh vide Memorandum No. 712/4435/XX-2, dated the 8th of December, 1966.

2. In these Regulations, unless the context otherwise requires—

(1) "Adhiniyam" means"The Madhya Pradesh Madhyamik Shiksha Adhiniyam, 1965";

(2) "Board" means the Board of Secondary Education,Madhya Pradesh established under Section 3;

(3) "Divisional Board" means the divisional Board established for the Revenue Commissioner's Division under Section 20;

(4) "Chairman" means the Chairman of the Board of Secondary Education, Madhya Pradesh;

(5) "Divisional Chairman" means the Chairman of the Divisional Board:

(6) "College" means an education institution preparing candidates for the Higher Secondary "B" Course, Teachers Training Certificate Examination, Physical Training Teachers Examination, or such other examination of the Board and recognised by the Board for such a purpose;

(7) "Committee" means Committee constituted by the Board under Section 24 of the Act or under any of the provision of these Regulations;

(8) "Department"means the Department of public Instruction,Madhya Pradesh:

(9) "Director" means the Director of Public Instruction, Madhya Pradesh;

(10) "Guardian" means the natural or legal guardian, or a person approved by the Head of the institution concerned as the guardian of a student for the purposes of these Regulations;

(11) "Head Master" means the Head of a High School recognised by the Board;

(12) "High School" means an educational institution which is not a college preparing candidates for the High School Examination, of the Board and recognished by the Board for such a purpose;

(13) "Higher Secondary School" means an educationl institution preparing candidates for a Higher Secondary School Certificate Examination of the Board and recognised by the Board for such a purpose;

(14) "Multi-purpose Higher Secondary School"means an educational institution preparing candidate for the Higher Secondary School Certificate Examination of the Board and recognised by the Board as a Multi-purpose Higher Secondary School under its bye-laws;

(15) "Principal" means the Head of a College or a Higher Secondary School or a Multi-purpose Higher Secondary School recognised by the Board;

(16) "Private Candidate" means a person seeking admission to an examination for which regular attendance at a recognised institution is prescribed, without putting in the requisite amount of attendance or a person who has enrolled for regular guidance in the Correspondence Courses started by the Board;

(17) "Recognised Institution" means an institution recognished by the Board for admission to its privileges.

(18) "Regular Course of a study" means a course of study prescribed by the Board;

(19) "Scholar's Register" means the register containing the record of a scholar's progress kept by the institution to which he belongs, in the form approved by the Board;

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(20) "Secretary" means the Secretary of the Board of Secondary Education, Madhya Pradesh;

(21) "Divisional Secretary" means the Secretary of the Divisional Board;

(22) "Session" means the period for which an institution is open for tuition during the twelve months commencing with the formation of new classes.

CHAPTER II

THE BOARD

3. The Board shall meet as often as necessary, but it shall meet at least twice a year, in the months of October and January as far as possible.

4. The meeting of the Board meant to be held for the month of October shall be deemed to be the Annual meeting of the Board.

5. All meetings of the Board and its Committees shall be held at Bhopal or at such other place as the Chairman may, from time to time, direct.

6. If any member fails to attend 3 consecutive meetings his absence may be reported to the authority concerned.

CHAPTER III

THE CHAIRMAN

7. The Chairman shall when present preside at a meeting of the Board and every meeting of any Committee of the Board of which he is a member. He shall have the right to vote and in case of a tie he shall also exercise the casting vote.

8. The Chairman shall have the right to speak at, and otherwise take part in, any meeting of any Committee of the Board but shall not be entitled to vote.

9. The Chairman shall have the same powers in respect of re-appropriation or fund from one head of the budget to the other head of expenditure as an exercised by the Director under the similar circumstances in which he is empowered to exercise such powers for the departmental budget. Such re-appropriation shall be communicated with reasons to the Finance Committee and the Executive Committee, in the next meeting

CHAPTER IV

VICE—CHAIRMAN

10. The Vice-Chairman shall exercise all such powers as are vested in him under the Adhiniyam.

CHAPTER V

THE SECRETARY

11. All meetings of the Board shall be convened through the Secretary.

12. The Secretary shall conduct the official correspondence of the Board under the authority of Chairman and shall be responsible for keeping the minutes and for the proper maintenance of all the records of the Board.

13. All fees and dues payable to the Board, and all sums received by the Secretary on behalf of the Board shall be credited without delay to the account of the Board with the Government Treasury or with such Bank as the Board may with the approval of the State Government determine.

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14. Subject to the control of the Examination Committee, the Secretary shall be responsible for making arrangements for the holding of the Board's Examination.

15. The Secretary shall receive and subject to the control of the Examination Committee, deal with, application from candidates for admission to the Board's Examination.

16. It shall be the duty of the Secretary on behalf of the Board, to issue to successful candidates certificates or diplomas of having passed the Board's Exa mination.

17. The Secretary shall, annually, in the month of June prepare and circulate to all concerned a list of schools and colleges recognised for the purpose of the Board's Examination, specifying the subjects in which recognition has been granted.

18. The Secretary shall be entitled to be present and to speak at any meeting of the Board or its Committees, but shall not be entitled to vote.

19. The Secretary shall perform such other duties as may be assigned to him by the Board or the Chairman for arriving out the work of the Board.

20. The Deputy Secretaries shall perform such functions of the Secretary as may be assigned to them by the Secretary or the Chairman

21. The Secretary shall have power to make appointments to the posts of Class III and IV Servants below the rank of Deputy Superintendent, and consequential powers of dismissal, removal or discharge.

22. The Secretary shall have powers to supply on request, free of charge priced publications of the Board for official use, to Government and Semi-Government bodies and to Universities or educational or public bodies as complimentary copies.

CHAPTER VI

COMMITTEES OF THE BOARD

23. In addition to the Committees specified in Section 24 (f) of the Adhiniyam, the Board shall appoint, the following other Committees :—

(a) A Committee to scrutinise applications from private candidates for permission to appear at the Board's Examinations.

(b) A Committee to bring out the results of examinations.

(c) A Committee to advise the Board on questions relating to Women's Education.

24. The number of members appointed by the Board of any Committee shall, unless otherwise specified, be not less than three and not more than five except in case of the Committees of Courses in Agriculture, where the number shall not be less than five and not more than seven, and in the Committee of Courses in Education, Technical Education and craft the number shall not be less than seven and not more than nine. The Secretary may add as many members as deem necessary to cope with the work in the Scrutiny Committee.

25. Election of members to fill ordinary vacancies in the Committee of the Board shall be held at the meeting of the Board immediately following the occurrence of the vacancy, and members shall hold office from the date of election.

26. If, in the opinion of the Chairman, a Committee, under any of the Regulations or bye-laws, is not sufficiently representative of different interests or of the subject to be treated by the Committees, he may, notwithstanding anything

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contained in the Regulations or bye-laws, nominate additional members on the Committee.

27. The Board shall appoint, a member of each Committee to be the Convenor of the Committee. The office of the Convener shall be the same as that of the ordinary members of the Committee. In the event of the Convenor ceasing to hold office. The Committee shall appoint a substitute from among its own members to hold office, till the next meeting of the Board.

28. No person shall be eligible for being elected as a member for more than two Committees of the Board.

29. Any member who fails to attend three Consecutive meetings of a Committee of which he is a member shall cease to be a member of that Committee.

CHAPTER VII

COMMITTEES OF COURSES

30. The Board shall appoint Committees of Courses in the following subjects which may be grouped in such manner and with such additions and alterations as the Chairman may from time to time decide.

(1) Sanskrit.
(2) Hindi.
(3) English.
(4) Marathi.
(5) Gujarati.
(6) Urdu.
(7) Bengali.
(8) Sindhi.
(9) Arabic and Persian.
(10) Punjabi (Gurmukhi).
(11) Tamil and Telgu.
(12) French.
(13) Mathematics.
(14) Physics.
(15) Chemistry.
(16) Biology.
(17) Geology.
(18) Agriculture and Allied subjects.
(19) General Science.
(20) Drawing and Fine Arts.
(21) Commerce.
(22) Logic and Psychology.
(23) Economics.
(24) Crafts.
(25) Home Science.
(26) Anatomy, Physiology and Hygiene.
(27) Social Studies.
(28) Workshop Practice and Engineering and Drawing. (Technical Group)

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(29) Military Studies.
(30) Forestry.
(31) Geography.
(32) Civics.
(33) Music.
(34) Dancing.
(35) Physical and Moral Education.
(36) History.
(37) Physical Training.
(38) Education Committee (including Basic Training Education.)
(39) Pre-Primary Education.

31. Committees of Courses shall also be constituted for such other subject of study as may from time to time, be decided by the Board.

32. Each Committee of Courses shall lay down a syllabus in the subject of subjects with which it is concerned, and recommend suitable text-books when called upon to do so.

33. (1) Every Committee of Courses shall ordinarily meet in the month of August or September of each year to draw up courses for Examinations relating to its respective subject or subjects.

(2) The Course shall be drawn up well in time to ensure the issuance by the Board of the prospectus relating to such course within the time prescribed under Regulation of this Chapter.

(3) The draft course proposed by the Committee shall be circulated as soon as may be, among the members of the Board. The members of the Board shall communicate their observation, if any, in regard thereto, direct to the Convenor concerned before the end of October in the same year. If, in the opinion of Convenor, the nature of the criticism received justifies the calling of a special meeting of the Committee of Course, he will do so, through the Secretary otherwise the matter shall be placed before the next meeting of the Committee of Courses.

34. The Courses finally approved by the committee shall be submitted to the Board ordinarily at its January meeting by the Convenor or by some other member of the Committee, who is a member of the Board and is present at the meeting.

35. If the Board is of opinion that a recommendation made by a Committee of Courses requires reconsideration, it may refer the matter back to the Committee. After considering the views of the Committee upon the reference, the Board shall decide the matter.

36. The Courses as finally approved and sanctioned by the Board shall be printed in the Prospectus and issued by the Secretary preferably two months ahead of the date on which the Course for a particular Examination is to commence.

37. A Committe may bring to the notice of the Board any matter connected with the Examination or Courses in respect of the subejcts with which it is concerned.

38. Any two or more Committees of Courses may, and at the request of the Chairman shall, meet and render a joint report upon any matter with which they may be severally or jointly concerned.

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39. It shall be the duty of the various Committees of Courses to make recommendations in proper time to the Curriculum Committee on matters relevant to clauses (b), (c), (d) and (e) of Regulation 49 of Chapter X and to the Examination Committee on matters relevant to clauses (b), (f) and (g) of Regulation 88 of Chapter XIII of these Regulations.

CHAPTER VIII

THE RESULTS COMMITTEE

40. The Results Committee shall consist of the Vice-Chairman of the Board, the Secretary of the Board and three members elected by the Board. The Chairman of the Board shall be its ex-officio Chairman and the Secretary its ex-officio Secretary.

41. It shall be the duty of the Results Committee:—

(i) to scrutinise and pass the results of the Examinations conducted by the Board after satisfying itself that the results are in confirmity with the relevant provisions of the Regulations, Rules and Bye-laws;

(ii) to scrutinise complaints against question papers so far as they affect the results;

(iii) to decide cases of candidates who have missed their practical Examination or written Examination in one or two papers or in a subject as a whole;

(iv) to decide cases of candidates who have answered wrong papers;

(v) to decide cases of admission of candidates to the Examinations by the superintendents of centres after half an hour of the commencement of Examination;

(vi) to decide cases of special arrangements made for the Examination of any particular candidate;

(vii) to decide cases where extra time was allowed to candidates by the Superintendent of Centres;

(viii) to decide cases where question papers were opened before the prescribed hour;

(ix) to decide cases of candidates whose answer books have been lost;

(x) to decide cases of candidates who have used unfair means; and to inflict punishment;

(xi) to decide such other matters connected with the declaration of the results as may be referred to the Committee.

42. If any action is to be taken against examiners, centres Superintendents invigilators and others, it shall be referred to the Examinotion Committee with the recommendations of the Results Committee.

CHAPTER IX

THE FINANCE COMMITTEE

43. Except when otherwise specified the Finance Committee shall act as an advisory body in all matters concerning the finances of the Board.

44. It shall consist of—

(a) The Chairman and the Vice-Chairman of the Board;

(b) One member appointed by the Board from amongst the five members elected under clause (f) of sub-section (I) of section 4 the Act.

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(c) One member appointed the Board form amongst the members nominated under clause (g) (iii) of sub-section (I) of Section 4 of the Act;

(d) Three other members appointed by the Board.

45. The Chairman of the Finance Committee.

46. The Secretary shall be the Secretary of the Finance Committee.

47. It shall be the duty of the Finance Committee:—

(i) to prepare and examine the budget for the ensuing financial year in such manner as to enable the Board to submit the same to the Government up-to 31st January;

(ii) to make recommendations to the Executive Committee on all matters relating to the finances of the Board;

(iii) to examine every proposal of new expenditur and to advise the Executive Committee thereon;

(iv) to review the financial position of the Board periodically;

(v) generally to advise means for the improvement of the Board; and

(vi) to consider applications for revision of grades of pay and the grades of pay of new appointments and advise the Executive Committee accordingly.

CHAPTER X

THE CURRICULUM COMMITTEE

48. (1) The Curriculum Committee shall consist of—

(a) The Vice-Chairman;

(b) The Secretary; and

(c) fifteen members elected by the Board among the Conveners of the various Committees of Courses.

(2) The Vice-Chairman shall be the Convener of the Committee.

49. The duties of the Curriculum Committee shall be—

(a) to consider the total number the total number of compulsory and optional subjects for each of the Board's Examinations;

(b) to recommend curriculum and arrange the standard of the courses for the Examinations conducted by the Board;

(c) to recommend the number of question papers to be set in each subject after considering recommendations of the Committee of Courses concerned:

(d) to recommend the time for written tests in different subjects after considering recommendations of the Committee of Courses concerned;

(e) to propose maximum and minimum marks for each subject and for each part of a subject after considering recommendations of the Committee of Courses concerned;

(f) to frame Rules for the award of grace marks;

(g) to consider proposals for the introduction of new subjects and the exclusion of existing subjects, and examinations and;

(h) to consider questions relating to the formation of groups of subjects and the alteration of one group with another.

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CHAPTER XI

THE RECOGNITION COMMITTEE AND RECOGNITION OF INSTITUTIONS BY THE BOARD

(a) The Recognition Committee.

50. The Recognition Committee shall consist of :—

(a) The Vice-Chairman of the Board:

(b) The Secretary;

(c) Two members from the Inspecting Officers of the Education Department;

(d) One Officer of the Directorate of Education nominated by the Director of Public Instructions;

(e) Five members appointed by the Board from among its members.

51. The Vice-Chairman of the Board shall be the Chairman of the Recognition Committee.

52. The Secretary shall be the Secretary of the Recognition Committee.

53. It shall be the duty of the Recognition Committee to scrutinise applications for recognition and after considering the recommendations of the Inspecting Officers, to make definite recommendations to the Board on each application.

(b) Recognition of Institutions.

54. No Educational Institution, which is not recognised by the Board, shall be permitted to present candidates for any Examination conducted by the Board.

55 An Educational Institution desiring to be recognised for the purposes of an Examination conducted by the Board shall, not later than the 15th of August in the year preceding that in which it proposes to open classes in preparation for an Examination, apply to the Secretary for permission to open classes. Such application shall be made through the Educational Officer under whom the Institution will normally be placed for inspection if it secures recognition.

56. The Chairman may for special reasons to be recorded in writing condone any delay.

57. Application for recognition shall set out in detail for the following particulars :—

(a) whether there is a real need for the institution in the locality;

(b) the constitution of the Foundation Society or the Governing Body;

(c) the name of the manager or the Secretary of the School;

(d) the qualifications and rates of pay of the teaching and other staff;

(e) the Examination or Examinations for which it desires recognition;

(f) the subject or subjects of instruction for which the institution undertakes to make provision;

(g) the accommodation provided in class Rooms and in hostels;

(h) the provision made for the health, sports and games. recreation and discipline of Schools;

(i) the provision made for the students and teachers' libraries;

(j) list of furniture and equipment;

(k) the financial position of the Educational Institution and the sources and amount of income:

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(l) the rate of fees charged and the provision made for financial concessions to students; and

(m) the number of scholars in each class or section of a class.

58. On receipt of this application the Secretary shall direct a local inquiry and call for a report on that application according to the Bye-laws made on this behalf. The report and recommendations of this inquiry shall be submitted by the Secretary to the Recognition Committee.

59. Any other information which the Board may call for in connection with the application shall be supplied by the Educational Institution.

60. The persons appointed under Regulation 58 of this Chapter shall also forward a copy of the report of their enquiry to the Board together with their recommendations. In case it is recommended to grant recognition, the recommendation shall state the subject, or subject, the period, the Examinations for which and the conditions subject to which the grant of recognition is recommended.

61. No Educational Institution shall be recognised or continue to be recognised unless it complies with the following requirements, namely :—

(a) that it shall be open to inspection by such person or persons as the Board may depute for this purpose;

(b) that in the case of a High School or a Higher Secondary School having Middle and Primary Sections, they shall be those recognised by the Department:

(c) that the Rules issued by the State Government in so far as they are not inconsistent with the Board's Regulations shall be duly followed;

(d) that all information and returns called for from educational institution by the Board shall be duly furnished by such institution;

[1](e) that it shall not prepare and send up candidate for a rival Examination of any other Board, University or examining body, when an Examination of the same nature and similar standard is held by the Board.

(f) that it shall make suitable arrangement for the health and recreation of its pupils, which will include :—

(i) proper sanitary arrangement;

(ii) medical inspection of its pupils at least once a year; and

(iii) physical education;

(g) that it shall provide accommodation at the rate of not less than 12th sq. feet or floor space for each scholar in a class room;

h) that it shall limit the admission into any class or section of a class to the number of scholars for which there is an accommodation in the class room subject to a maximum of 15 scholars in each class or a Section of a class in a High or Higher Secondary School;

(i) that if called upon to do so, it shall place its buildings, staff, furniture and apparatus, etc., at the disposal of the Board or the Department to be used for Examinations and for such other purposes as the Board or Department may direct;

(j) that no teacher shall take part in political activities;

1 This clause shall not apply to Indian School Certificate Examination in the case of such Educational institutions as in the opinion of Director may be given such exemption.

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(k) that no religious instruction shall be imparted in the Educational institution on a compulsory basis;

(l) that the educational Institution shall comply with the conditions laid down in Chapter XII of these Regulations;

(m) that there shall be a Managing Committee as defined under the Adhiniyam consisting of not more than 10 members of which two shall be the Head of the institution and a nominee of the Educational Officer concerned and that the Governing Body or Managing Committee shall be registered under the Societies Registration Act;

(n) that the building shall have as many rooms as there are Sections in the School that there shall be separate rooms for the office, library reading room, teachers, science laboratory, stores and optional subjects etc.,, and that the building shall be well lighted and well ventilated and situated in healthy locality approved by the appropriate Health Authorities;

(o) that space shall be provided for play grounds, gardening, gymnasium. etc.

(p) that equipment and furniture shall be provided for teaching the various subjects, to the satisfaction of the Educational Officer concerned.

(q) that adequate requrring provision shall be made in the budget of the institution for the library, laboratory and crafts,etc;

(r) that the number and qualifications or the teaching and other staff shall be the same as prescribed for the corresponding staff in Government Institutions;

(s) that the scales of pay of the Prinicipal, Head Master, Lecturers, teachers, clerks and other staff shall not be lower tan those sanctioned for the corresponding staff in Government Institutions.

(t) that an endowment Fund of not less than Rs. 7,000 shall be created in a form approved by the Educational Office concerned and no expenditure shall be made out of it without his special permission and that the income from interest, etc., of this amount shall be utilised towards the maintenance of the Educational Institution and shall be properly accounted for in the Manager's return;

[1](u) that a Reserve Fund of Rs. 3,000 shall be created in some approved Bank out of which expenditure may be incurred with the prior permission of the Educational Officer concerned in cases of emergency; and

(v) that the application accompanied by a fee of Rs. 300 for fresh recognition or Rs. 200 for recognition in a new subject or subjects, as the case may be;

(w) that it shall pay a sum of Rs, 1000 every year as an annual affiliation fee to the Board;

(x) that every Regular student admitted to the School be enrolled with the Board.

62. If the Board is satisfied that an Educational Institution deserves recognition, it shall direct the Secretary to enter its name in the list of recognised Institutions to be kept by him. The Secretary shall thereupon enter the name of the Institution in the said list and inform the Educational Institution and the

1 Applicable to non-Government Institutions only except those maintained by Statutory Local Bodies.

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Educational officer concerned and the Director about such recognition. Such communication shall clearly state the subject or subjects, the period and the Examinations for which and the conditions subject to which such recognition is granted.

63. Where an Educational Institution desires to add to the subjects of instruction in respect of which recognition has been granted, the procedure prescribed by the foregoing Regulations shall as for as possible, be followed.

64. An Educational Institution recognised by the Board for the purpose of any of its Examination, shall submit to the Board and the Educational Officer concerned annual returns showing the personnel and pay of the teaching and other staff. Any change in the management shall be communicated as soon possible.

65. The Educational Officer concerned shall report to the Secretary, changes in mangement and in the number, qualifications and salaries of the teaching staff, the result of which, in his opinion, effects the fitness of the Educational Institution for continued recognition by the Board.

66. If the Educational Officer concerned is of opinion that any Educational Institution recognised by that Board has by reason of deterioration ceased to meet the requirements of the Board, he shall make a report of the name to the Secretary. On receipt of this Report the Secretary may institute such enquiry as he thinks fit. The report of the enquiry will be submitted to the Recognition Committee which will take it into consideration at its next meeting and inform the said Institution of its decision through the Educational Officer concerned.

67. In any case in which the Recognition Committee decides that action is necessary upon the report, it will first call upon tne Educatioal Institution, through the Educational Officer concerned to show cause why such action should not be taken.

68. No Educational Institution shall be recognised in any branch of experimental science or vocational subjects unless it satisfies the Recognition Committee —

(a) that the number of student assigned to a single teacher in practical work at one time does not exceed 20, or

(b) that suitable, and in the case of Higher Secondary Class separate laboratories for each branch of experimental science are provided, and each of them is adequately equipped.

69. There shall be a periodical inspection of every recognised Institution held by a Panel of Inspectors appointed by the Board at least once in three years and the Board on the Report of the Inspection will take such action as it deems necessary.

CHAPTER XIII

STAFF IN PRIVATE EDUCATIONAL INSTITUTIONS

70. Regulations in this Chapter shall apply to all non-Government Educational Institutions.

71. All Principals, Headmasters, Lecturers, and teachers, except those appointed temporarily for a period of less than one year, shall be on probation for a term of one year which may be extended to two years. If after two years service any incumbent is continued in his appointment, he shall, unless the appointing authority, for reasons to be recorded in writing, otherwise directs, be deemed to have been confirmed in that appointment. On confirmation the incumben. shall sign a contract of service in the Form I or II (appended to these Regulations) as the case may be, as soon as practicable.

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72. The Managing Committee of the Educational Institution shall maintain a Provident Fund for the benefit of the staff appointed on written contract in accordance with the Provident Fund Rules framed by the Board for the purpose.

73. The scales of pay of the staff, in Educational Institutions which are in receipt of Government grant, shall not be less than those sanctioned for the corresponding staff in Government Institution.

In the case of Educational Institutions which are not aided, there shall be a scale of pay, the minimum of which shall not be less than that in Government Educational Institution.

74. (1) Principal, Headmaster, Lecturer or teacher shall be entitled to the following leave, namely :—

(a) casual leave or 15 days (which may for special reasons be extended to 15 days) in a calendar year,

(b) leave on medical certificates by Registered Medical Practitioner, on full average pay for one month for every twelve months spent on duty, subject to the maximum of twelve months in the whole service.

(c) maternity leave in case of women, for three months, on full average pay, and

(d) leave for training.

(2) The period of leave granted under sub-clause (d) of clause (1) above shall be treated as period spent on duty and shall count for Provident Fund during such period.

(3) Other members of the staff of Recognised Educational Institutions shall be entitled to such leave as may be admissible from time to time to Government Servants.

75. The authority entitled to sanction casual leave under clause (a) of Regulation 5 shall be the Head of the Institution and that entitled to sanction other leave shall be the Managing Committee.

76. In the selection of Lecturers or teachers for appointment the undermentioned considerations among other matters shall be taken into account, namely :—

(i) All permanent vacancies and all temporary vacancies for a period exceeding six months shall be advertised in one or more local newspapers and in such other newspapers as have circulation in the area concerned. Such advertisement shall contain full particulars of the post advertised together with conditions of service attached thereto, or the names may be called for from Employment Exchange.

(ii) On receipt of applications, suitable candidates shall be interviewed, and

(iii) That the teachers or lecturers to be selected for High and Higher Secondary School classes shall have offered for the degree Examination the subjects for which they seek appointment.

77. In the selection of Headmasters or Principals for appointment the undermentioned conditions shall be taken into account, namely :—

(i) All permanent vacancies shall be advertised, in the manner laid down in Regulation 76 (i) above;

(ii) The appointment shall be made by the Managing Committee after interviewing suitable candidates; and

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(iii) No person who is not trained and has less than five years' experience of teaching shall not be eligible for the post.

78. (1) The Managing Committee of the Institution shall not terminate the service or reduce the pay of any teacher or lecturer appoint.d on a written contract without holding a full enquiry into the charges against him. The incumbent shall be given in writing a statement of the charges against him and afforded an opportunity of defending himself. His previous service and character with reference to his character roll and service book maintained shall also be taken into consideration when arriving at a decision.

(2) No decision as to termination of service or reduction in rank of teacher or lecturer shall have effect, unless passed at a special meeting by a majority of two-thirds of the members of the Managing Committee. No such resolution shall have effect, if passed at an adjourned meeting.

(3) A teacher or lecturer may ask the matter to be referred to an arbitration in accordance with the terms of his agreement, if any, and the award of the arbitration or arbitrators shall be final.

(4) The services of any teacher or lecturer who refuses to go for training may be terminated;

Provided that in case due to personal difficulties, the person concerned is not able to go for training the same year, he may be permitted to go for training next year. More than one chance shall not be allowed.

79. (1) The Managing Committee shall not terminate the services or reduce the pay of Principal or Headmaster appointed on written contract without first obtaining Director's sanction for holding a full enquiry into the charges against him. The incumbent shall be given in writing a statement of the charges against him, and also be afforded an opportunity of defending himself. His previous services and character with reference to his confidential file and service book shall also be taken into consideration before arriving at a decision.

(2) No decision as to termination of services or reducation of a Principal or Headmaster shall be valid, unless passed at special meeting by a majority of two-thirds of its members of the Managing Committee. No such resolution shall be valid, if passed at an adjourned meeting.

(3) The Principal or Headmaster shall have a right of appeal to the Director against the decision of the Managing Committee. The decision of the Director shall be final.

80. For all purposes, including application of time-scale, the period of service of a Principal, Head-master, Lecturer or teacher shall, in the case of new entrants, be calculated from the date of first appointment in the Educational Institution, if there is no break of service, during the period preceding the permanent appointment:

Provided that, subject to the provisions af Regulation 73 of this Chapter, the salary and scale of pay of a person already in employment, shall not be refixed by the Managing Committee at an amount lower than his salary or scale of pay on the date of the enforcement of these Regulations.

81. The period of school vacation shall count as period spent on duty. A Principal, Headmaster, Lecturer or teacher, who has been in the service of an Educational Institution during an academic year, shall be entitled to draw full pay for the ensuing vacation, except when such person has been officiating in place of another person on leave, entitled to draw pay for the vacation.

82. Every Educational Institution shall pay to a person, who is under training at a Recognised Training College, his full salary during the period of trai-

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ning. No person who refuses to undergo training after a seat in a Training College has been secured for him, shall be continued in service.

83. For all other matters, not provided herein, the Rules and practices observed in the Government Educational Institution shall be adopted.

84. Duties of Heads of Educational Institutions—

(a) Admission and promotion of students and discipline of the Institution.

(b) Receipts, expenditure and maintenance of Accounts.

(c) Correspondence of the Institution.

(d) General Internal Management of the Institution as an Institution recognised by the Board.

(e) Encouraging and fostering love for Co-curricular activities.

(f) Taking such disciplinary action as he is empowered to take under the departmental Rules.

In carrying out these duties he shall not be interfered with by any authority except the authority competent under the Departmental Rules.

85. No part of a person's salary or his Provident Fund shall be used by an Institution for purposes of running the Institution. The Provident Fund shall be deposited every month by the Institution under the Central Provident Fund Scheme,

FORM I

[See Chapter XII, Regulation 71.]

FORM OF AGREEMENT BETWEEN THE PRINCIPAL OR HEAD-MASTER AND THE MANAGING COMMITTEE

AGREEMENT

THIS AGREEMENT IS MADE THIS.....day of .....19.....between..... son of..... ... .resident of ..... of the first part and the Managing Committee of the..... .... School/College, (hereinafter called the Managing Committee) of the second part;

WHEREAS THE MANAGING COMMITTEE has appointed the party of the first part to serve as a Head-master/Principal in the. ... .School/College, (herinafter called the Institution) subject to the condition and upon the terms hereinafter contained;

NOW, THEREFORE, THIS AGREEMENT witnesses and the parties hereto agree as follows :—

1. From the date of the party of the first part assuming charge of the office of Head master/Principal in the said Institution, the Managing Committee shall pay him an initial salary of Rs.....(.....) per month in the time-scale of pay Rs.....and thereafter he will draw annual increment at the rate of Rs..... ...during the term of his service subject to the condition that he renders approved service so as to qualify him for increments.

2. The party of the first part shall, during the term of his service under this agreement, devote his whole time to the duties of his appointment, and not engage, directly or indirectly in any trade, business or occupation or take up and activity which is likely to interfere with such duties without the permission in writing of the Managing Committee and the party of the first part shall desist

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from any activity on a notice being given by the Managing Committee that in its opinion such activity it would interfere in the efficient discharge of his duties.

3- The tenure of office of the party of the first part shall be terminable at any time .—

(a) by three calendar months' notice in writing by him (party of the first part) without giving any reason therefor, or without, notice on payment to the party of the second part a sum equal to three months' salary of the party of the first part;

(b) when the post on which the party of the first part is working is abolished. the party of the second part shall give three months' notice in writing to the party of the first part, or without any notice on payment to the other party a sum equal to three months' salary of the party of the first part;

Provided that Managing Committee may at any time dispense with the services of the party of the first part without notice after a full enquiry as provided in Regulation 79 (as the case may be) under Chapter XII;

(a) in the event of a wilful breach by him of any of the conditions herein contained;

(b) in the event of a wilful and persistent neglect of duty by him, in misconduct, or unsatisfactory work on his part, or his physical or mental unfitness for duty; or

(c) for any other sufficient cause which renders impossible for proper performance of his duties; and

(d) the right of terminating the tenure of office of the party of the first by serving three months' notice under clause 3 (b) above shall not be exercised by the Managing Committee during the period from 1st January to 31st March following without the previous sanction in writing of the Board of Secondary Education, Madhya Pradesh.

4. The party of the first part shall retire from service in attaining the age of 62 years and, with the permission of the Chairman of the Board, 65 years and the exact time for such retirement shall be the last day of the academic year in which he attains that age.

5. The parties shall, in addition to the conditions herein contained,be bound by the provision of the Regulations of the Board of Secondary Education, Madhya Pradesh.

IN WITNESS WHEREOF THAT parties hereto have set their respective hands hereunto the day and year written in each case.

Witness—

(1) .....

(2) .....

Party of the first Part.

Date.....

Witness—

(1) .....

(2) .....

On behalf of the Managing Committe.

Date.....

FORM II

(See Chapter XII, Regulation 71)

THIS AGREEMENT IS MADE THIS.....day of.....19..... between.....son of.....resident of.....of the first part and the

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Managing Committee of the.....School/College, (hereinafter called Managing Committee) of the second part;

Whereas The Managing Committee as appointed the party of the first part to serve as a teacher/lecturer in the.....School/College, (hereinafter called the Institution)subject to the conditions and upon the terms hereinafter contained;

Now Therefore, This Agreement witnesses and the parties here to agree as follows:—

1. From the date of the party of the first part assuming charge of the office of teacher/lecturer in the said Institution, the Managing Committee shall pay him an initial salary of Rs.....per month in the time scale of Rs..... and thereafter he will draw annual increments at the rate of Rs.....during the term of his service subject to the conditions that he renders approved service so as to qualify him for increments.

2. The party of the first part, if he is an untrained teacher, shall attain such teaching qualifications as the Managing Committee may require, and to enable him to do so, the Managing Committee shall permit him to, undergo training at the proper teacher's training Institution. If the party of the first part fails to attain the requisite teaching qualifications, the Managing Committee may terminate his services unless he is exempted from attaining such qualifications by the Department.

3. The party of the first part, if he has attained teaching qualifications as required in clause 2 agrees to serve as a teacher/lecturer in the said Institution at least for a period of two years immediately after the completion of his training.

4. The party of the first part shall, during the term of his service under this agreement, devote time to the duties of his appointment, and not engage directly or indirectly in any trade, business or occupation or take up any activity which is likely to interfere with such duties, without the permission in writing of the Managing Committee, and the party of the first part shall desist from any activity on a notice being given by the Managing Committee that in its opinion such activity would interfere in the efficient discharge of his duties.

5. The party of the first part may, with the previous permission in writing of the Managing Committee, take private pupils for tuition subject to the condition that any such tuition does not interfere with his duties.

6. The party of the first part shall, in addition to his ordinary duties of teaching, perform such other duties in connection with the social, intellectual or athletic activities of the said school as may be entrusted to him by the Head-master/Principal of the said Institution.

7. The tenure of office of the party of the first part shall be terminable at any time —

(a) by three calendar months' notice in writing by him (party of the first part) without giving any reasons therefor, or without notice on payment to the party of the second part a sum equal to three months' salary of the party of the first part;

(b) when the post on which the party of the first part is working is abolished, the party of the second part shall give three months notice in writing to the party of the first part, or without any notice on payment of the other party a sum equal to three months' salary of the party of the first part;

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Provided —

(i) that if the party of the first part has attained teaching qualification as provided in clause 2, his tenure of office shall be so terminable under clause 7 (a) above after he has served the party of the second part for two years as required by clause 3;

(ii) that the tenure of office shall not be so terminated under clause 7 (b) above at any time during the period of summer vacation of the said institution;

(iii) that the Managing Committee may at any time dispense with the services of the party of the first part without notice after a full enquiry as provided in Regulations 78 or 79 (as the case may be)under Chapter XII;

(a) in the event of a wilful breach by him of any of the conditions herein contained;

(b) in the event of a wilful and persistent neglect of duty by him, or misconduct or unsatisfactory work on his part, or his physical or mental unfitness for duty; or

(c) for any other sufficient cause which renders impossible for proper performance of his dutes; and

(d) the right of terminating the tenure of office of the party of the first part by serving three months' notice under clause 7 (b) above shall not be exercised by the Managing Committee during the period from 1st January to 31st March following without the previous sanction in writing of the Board of Secondary Education, Madhya Pradesh.

8. Notwithstanding anything contained in clause 7, the Managing Committee may, in lieu of dispensing with the services of the party of first part, reduce his pay within the limits of his time scale.

9. The party of the first part shall retire from service on attaining the age of 62 years and, with the permission of the Chairman of the Board, 65 years and the exact time for such retirement shall be the last day of the academic year in which he attains that age.

10. The parties shall, in addition to the conditions herein contained, be bound by the provisions of the Regulations of the Board of Secondary Education, Madhya Pradesh.

In witness whereof the parties hereto have set their respective hands hereunto the day and year written in each case.

Witness—
(1) .....
(2) .....

Party of the first part
Date.....

Witness—
(1) .....
(2) .....

On behalf the Managing Committee
Date.....

CHAPTER XIII

THE EXAMINATION COMMITTEE

86. The Examination Committee shall consist of—

(i) The Chairman;

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(ii) The Vice-Chairman of the Board;

(iii) Three persons elected by the Board from amongst the Conveners of various Committees of Courses;

(iv) Two persons, being members of the Board, elected by the Board.

87. The Secretary shall be the Secretary of the Committee.

88. It shall be the duty of the Examination Committee, subject to over all supervision and control of the Board—

(a) to order Examinations in conformity with the Regulation and to fix dates of holding them;

(b) consider the recommendations of the Committees of Courses with regard to Examiners, setters and moderators and to finalise lists of Examiners, Setters and Moderators;

(c) to prescribe forms of applications to be filled in by the candidates applying for permission to appear at Examinations and forms of certificates to be granted to successful candidates;

(d) to propose rate of remuneration for the work connected with the Examination;

(e) to fix centres of Examinations;

(f) to suggest the mode of conducting the oral and practical tests, if any;

(g) to arrange the moderation of question papers; and

(h) to consider all matters arising out of the conduct of Examinations, and to make recommendations, when necessary, to the Board.

CHAPTER XIV

THE EXECUTIVE COMMITTEE

89. The powers and functions of the Executive Committee shall be as under:—

(a) to direct the form, custody and use of the common seal of the Board;

(b) to hold and control and administer any property and funds of the Board and to enter into contracts on behalf of the Board;

(c) to transfer and accept transfer of any movable or immovable property on behalf of the Board:

Provided that no transfer of immovable property shall be made without the previous sanction of the Board;

(d) to manage and regulate the finances, accounts and investments of the Board;

(e) to invest, subject to the provisions of the Act, any moneys belonging to the Board, including any unapplied income, in any of the securities described in Section 20 of the Indian Trusts Act, 1882, or in the purchase of immovable property in India with the like power of varying such investment, or to place in fixed deposit in any bank approved in this behalf by the Board, any portion of such money, not required for immediate expenditure;

(f) to administer any funds placed at the disposal of the Board for specified purposes;

(g) to frame the budget of the Board;

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(h) to create, abolish or hold in abeyance any post (except that of Secretary and Deputy Secretary) in the Board:

Provided that the initial salary of such posts is less than Rs. 400/-;

(i) to delegate its powers in respect of making contracts and appointing officers and other servants of the Board, to such person or authority as it may determine;

(j) except when otherwise provided by any Act or Regulations, to regulate, determine and administer all matters concerning the Board, and to this end to exercise other powers of the Board not otherwise provided for;

(k) to write off irrecoverable sums due in respect of stores, priced publications, Examination-fees and unserviceable articles of dead stock.

CHAPTER XV.

RESIDENCE OF STUDENTS.

90. Every student of Recognised Institution shall reside in a hostel recognised by the department, or with a parent or natural guardian or with a relation approved by the parents or natural guardian or with a guardian approved by the head of the institution, or in a lodging reserved for pupils, of Educational Institutions and maintained under conditions approved by the head of the Institution.

91. Every hostel and lodging referred to in Regulation of this Chapter shall be open to inspection by the Inspecting officers of the department or the head of the Institution.

CHAPTER. XVI

PRIVATE CANDIDATES.

92. Private candidates shall be eligible to appear at the Board's Examination, on the conditions laid down in these Regulations.

93. (a) No person residing outside the State of Madhya pradesh shall be permitted to appear privately at any Examination of the Board except and in accordance with the provisions of Sections 8 and 8-A of the Act and these Regulations.

(b) Candidates residing outside the territorial jurisdiction of the Board shall be required to pay an extra fee of Rs. 10.00 over and above the prescribed Examination fee.

94. All private candidates shall apply except where otherwise stated on or before the 15th of September on the prescribed form together with the prescribed Examination fee personally to the Head of a Recognised Institution, authorised for the purpose, by the Board, in Madhya Pradesh. The Head of the Institution will be responsible for scrutinising the eligibility of the candidate. If the Head of the Institution is satisfied that the candidate fulfils all the conditions and is eligible for the Examination then his name will be registered by him. No application form will be received by the Secretary directly. The private candidates shall pay a registration fee of Rs. 1/- to the Head of the Institution. This amount shall be distributed by the Head of the Institution according to his discretion as remuneration to the persons doing the forwarding work.

The private candidates who shall enrol themselves for regular guidance in the correspondence courses for Board's Examinations, stated by the Board, shall submit the forms to the Registrar, Correspondence Courses, on or before 15th September, in the prescribed form.

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95. Whenever the application of a private candidate is received after the prescribed date, he shall pay an additional fee of Rs. 5/-;

Provided that such application is received not later than the 25th of September:

Provided further that the Chairman may in exceptional circumstances entertain an application even later than 25th of September.

96. All private candidates other than women candidates appearing at the Examinations of the Board shall affix to their application forms, for permission to appear at the Examination, their miniature size (bust) photograph duly attested by the officer forwarding the application form.

97. No student shall be permitted to appear at the High School or Higher Secondary School Examination as a private candidate in a year earlier than that in which he would have appeared, if he had continued his studies at a Recognised Institution.

98. Applications from intending private candidates shall be referred to the Committee of the Board appointed to scrutinize applications from private candidates. The Chairman, after considering the recommendations of the Committee, shall grant or reject the applications.

99. Private candidates, who offer such subjects for their Examination as involve practical work, shall be allowed to appear at the Examination. They shall be expected to have completed the prescribed practicals in a Recognised Institution and required to appear in a practical Examination conducted by the Board.

100. Private candidates, who have passed the Cambridge School Certificate Examination and intend to appear at the Intermediate Examination should specify in the application form the standard of attainment in each of the subjects in which they have passed the Cambridge School Certificate Examination as shown in the detailed result of the Examination.

101. Only such persons as fulfil any one of the following conditions may be admitted as private candidates to the High School Examination in English and/or Hindi/Sanskrit only and shall, if successful, be entitled to a certificate of having passed the Examination in English and/or Hindi/Sanskrit only:—

(a) Persons who have passed a Public Examination in an Oriental language (Sanskrit, Persian or Arabic) recognised by the Board;

(b) Persons who have passed a Public Examination in advanced Hindi or Urdu recognised by the Board;

(c) Drawing Masters or Manual Training Instructors, Teachers of a vocational subject or physical instructors, provided they have put up in two years' approved service in an institution recognised either by the Board or by the Educational Department:

Provided that all candidates under clause (c) of this Regulation shall produce evidence of having passed the VIII Class Annual Examination of a Recognised School or an equivalent Examination conducted by the Education Department with English as one of the subjects.

102. A candidate, who holds a certificate of having passed the High School Examination in English and/or Hindi/Sanskrit only under these Regulations or of having passed an Examination equivalent to the High School Examination to English and/or Hindi/Sanskrit only under similar conditions, may be admitted as a private candidate to the Intermediate or Higher Secondary Examination in English and/or Hindi/Sanskrit only:

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Provided that at least one academical year shall have elapsed since the date of his passing the High School or equivalent Examination in English and/or Hindi/Sanskrit and such a candidate shall, if successfull, be entitled to a certificate of having passed the Examination in English and/or Hindi/Sanskrit only.

103. A candidate, who has passed the High School or Higher Secondary Examination in English only under Regulation 101 or 102 above, may be permitted to appear at a subsequent High School, Higher Secondary School Examination in all the remaining subjects after excluding English and the Oriental language on the basis of which he previously appeared and passed the High School or Higher Secondary School Examination in English only.

104. No student shall be permitted to appear at the High School Certificate Examination as a private candidate unless he has passed the VIII Examination of a Secondary School recognised by the Board or the Department or a corresponding Examination of a similar school situated in or outside Madhya Pradesh provided that such a school is affiliated to or recognised by the examining body whose Examinations are recognised by the Board.

105. Notwithstanding anything contained in these Regulations the following candidates may also appear as private candidates:—

(1) Candidates who have passed the Examination conducted by the Board may appear at the subsequent Examination of the same course in one or more subjects, and such candidate shall, if successful, be entitled to a certificate of having passed the Examination in the additional subject or subjects offered by him;

Provided that the choice of subject or subjects is restricted to a subject or subjects of one group only:

Provided also that he/she is not appearing at the full or part of any other Certificate Examination of the Board:

Provided further that the candidate may not offer the same subject or subjects as had been offered by him at the previous Examination at which he has passed.

CHAPTER XVII.

EXAMINATIONS OF THE BOARD

106. The Board shall conduct the following Examinations:—

(a) The High School Examination.
(b) The Intermediate Examination in Arts.
(c) The Intermediate Examination in Science.
(d) The Intermediate Examination in commerce.
(e) The Intermediate Examination in Agriculture.
(f) The Higher Secondary School Certificate Examination.
(g) The Basic Training Certificate Examination.
(h) Examinations for the award of diplomas or Certificates in such other branches of study as the Board may, from time to time prescribe.
(i) Higher Secondary School Certificate Examination for Adult Women.
(j) Higher Secondary School Certificate 'B' Course Examinations.
(k) Physical Traininig Certificate Examination.
(l) Pre-Primary Training Certificate Examination.
(m) Higher Secondary School Certificate Examination Technical Course.

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107. The Examinations of the Board shall be held at such centres and on such dates and at such time as the Examination Committee may, from time to time, appoint.

108. The test at the Board's Examinations may be written or partly oral or practical and partly written. Oral and practical tests shall be conducted by the Examiners appointed by the Board in such manners as the Examination Committee may prescribe from time to time.

Written tests shall be by means of question papers, and the question papers shall be given and simultaneously at every centre at which the Examination is being held.

109. Every candidate for admission to an Examination from an Institution recognised by the Board shall, not later than the 10th December each year—

(a) pay to the Board the fee as may be fixed by it from time to time for the Examination together with a fee or two papers for communicating the subject-wise marks in each subject through the Institution through which the application form has been submitted;

(b) state the optional subject or subjects to which he desires to present himself for Examination; and

(c) furnish to the Secretary with a Certificate showing—

(i) that he has completed a regular course of study in a Recognised Institution;

(ii) in the case of candidates who offer such subjects for their Examination as involve practical work, and they have actually performed the experiments laid down in the syllabus.

110. The following fees shall be paid in respect of the examination held by the Board except by blind and women candidates and sons and daughters, (i) of teachers who have retired from institutions recognised by the Board, and (ii) of teachers in Madhya Pradesh who have received President's award, (iii) Class III and Class IV servants of the Board. The Blind candidates and sons and daughters of teachers who have retired from institution, recognised by the Board and of teachers in Madhya Pradesh who have received President's award, (iv) Class III and Class IV servants of the Board are exempt from payment of Examination fees. The women candidates whose guardian's income does not exceed Rs. 1,800/- per annum and the daughters of the teachers of the Institutions recognised by the Board shall be required to pay only half the Examination fees. This concession will apply to blind candidates for all times, to others for first attempt only :—

(1)	High School Examination and equivalent Examinations.	Rs 20/- by each candidate from a Recognised Institutions, and Rs. 25/- by each private candidate.
(2)	Intermediate Examination by Correspondence Course.	Rs. 210/- (inclusive of tuition and Examination Fees.)
(2) (a)	Intermediate Examination in Arts, Science, Commerce or Agriculture.	Rs. 35/- by each candidate from Recognised Institution.
(3)	Higher Secondary School Certificate or Basic Training Certificate, Physical Training Certificate, Pre-primary Training Certificate Examinations.	Rs. 35/- by each candidate from Recognised Institution. Rs. 45/- by each private candidate.

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[1](4)	Examination in one subject only.	Rs. 10/-
(5)	Examination in more than one subject.	Rs. 7/- per each subject.
(6)	Fee for re-checking the result of candidate.	Rs. 10/- per candidate.
(7)	Fee for re-checking the result of candidates appearing in one subject only.	Rs. 4/- per candidate.
(8)	Fee for a duplicate copy of the voucher to be granted to candidates permitted to appear at the next ensuing Examination on payment of half the usual fee.	Re. 1/-
(9)	Fee for Migration Certificate.	Rs. 5/-
(10)	Fee for duplicate copy of Migration Certificate.	Re. 1/-
(11)	Fee for eligible certificate.	Rs. 5/-
(12)	Fee for a duplicate of eligibility certificate.	Rs. 3/-
(13)	Fee for a duplicate copy of the admission card.	Rs. 2/-
(14)	Fee for paper-wise marks.	Rs. 5/-
(15)	Fee for a duplicate copy of the marks statement.	Rs. 3/-
(16)	Fee for a duplicate copy of the certificate for having passed an Examination of the Board.	Rs. 5/-
(17)	Fee For High School Supplementary Examination.	Rs. 15/- plus Rs. 2/- for marks slip.
(18)	Fee for Intermediate or Higher Secondary School Supplementary Examination.	Rs. 20/- plus Rs. 2/- for marks slip.
(19)	Price of the application form for private candidates and Ex-students for admission to the Board's Examination.	Rs. 1/-
(20)	Fee for Practical Examination.	Rs. 2/- for each Practical test.
(21)	Fee for provisional Certificate.	Re. 1/- not to be charged after four months from the declaration of the result.
(22)	Fee for enrolment of candidates.	Rs. 2/-

1 Not for supplementary Examination.

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(23) (a)	Basic Training Certificate Examination (Two year Course.)	
	First Year.	Rs. 25/-
	Second Year.	Rs. 30/-
(23) (b)	Examination in one subject or more of B. T. C. (Two Year Course).	Rs. 5/- per subject.

111. A candidate who fails to pass or is unable to present himself at the whole or a part of an Examination conducted by the Board shall not be entitled to a refund of his fees:

Provided that the Secretary, on application from a candidate who absented himself from the whole of the Examination, may permit him to present himself at the next Examination on payment of half of the usual fee. In such a case the applications supported by a Medical Certificate from a Registered Medical Practitioner (including Hakim or Vaidya) or other evidence to show that his absence from the Examination was unavoidable must reach the Secretary within two months before the commencement of the Examination at which a candidate is unable to appear.

Note :—The half fee concession allowed under this Regulation for the next Examination may continue to be allowed under similar cirumstances for the year following the next but in no case for more than two continuous years.

Fee once held over under the above Regulations shall in no case be refunded.

112. The Secretary may refund the admission fee of a candidate who may be declared ineligible to appear at the Examination of the Board or whose admission is disallowed on account of shortage of the required percentage of attendance. The admission fees of those candidates whose forms have been rejected on account of the candidates producing a false certificate or making a false statement in the form of application shall in no case be refunded.

Note. 1.—No fee shall be refunded in the case where candidates subject to production of certain documents have been declared ineligible.

2.—The refund of the fees provided under Regulation, 112, will be subject to a reduction of Rs. 5/-.

113. The fee of a candidate who has died before commencement of the Examination, may be refunded by the Secretary. In the case of regular candidates, the refund may be made to the parent or guardian of the candidate through the head of the Institution. In the case of private candidates the refund may be made to the parent or guardian mentioned in the form of application.

114. The Secretary shall, after satisfying himself that a candidate has complied with all the requirements for admission to an Examination of the Board, furnish the candidate with a card of admission, on presentation of which to the Superintendent of the Examination centre, the candidate shall be permitted to sit for the Examination.

115. Notwithstanding anything contained in these Regulations, no candidate who has been expelled or is under such instruction shall be admitted to any Examination of the Board.

116. The Secretary, if satisfied that a candidate's admission card has been lost or destroyed may grant a duplicate card on payment of the further fee of Rs. 2/-.

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117. Except when otherwise provided in these Regulations, the names of candidates who have passed an Examination of the Board, shall be placed in the divisions specified in the prospectus and, further the names of students from the Recognised Institutions shall be grouped according to the Institution in which they have studied:

Provided that in any case where it is found that the result of the Examination has been affected by error, mal-practice, fraud, improper conduct, or other matter of whatsoever nature, the Results Committee shall have power to amend such result in such manner as shall be in accord with the true position and to make such declaration as it may consider in that behalf, provided that except as provided in a proviso below no result shall be amended after the expiry of six months from the publication of the result:

Provided further that in any case where the result of the Examination has been ascertained and published and it is found that such result has been affected by any malpractice, fraud or any other improper conduct wherby an Examinee has, in the opinion of the Result Committee, been a party to or privy to, or convinced at such malpractice, fraud or improper conduct, the Results Committee shall have power, at any time, notwithstanding the issue of the certificate or the award of the prize of scholarship, to amend the result of such examinee and to make such declaration as it may consider necessary in that behalf.

118. A candidate who has failed in an Examination may present himself for one or more subsequent Examinations, provided that he shall on each and every such occasion satisfy the Board that he has fulfilled the conditions laid down in the Regulations for the admission of candidates to the Board's Examinations.

119. A candidate who has appeared at an Examination of the Board may apply to the Secretary for the scrutiny of his marks and the re-checking of his result in accordance with the Rules framed by the Board.

120. A candidate who has fulfilled conditions laid down for admission to one of the Board's Examinations will not be detailed from appearing at that Examination unless the Chairman permits the head of the Institution concerned to detain him for adequate reasons fully submitted by him in writing to the Chairman, or unless he fails to clear all outstanding dues owing to the institution from him.

121. (i) Duplicate copy of certificate, of Examination conducted by the Board, shall be issued on receipt of an application for the same through the head of the Institution from which the applicant passed the Examination. The application should invariably be accompanied by an affidavit duly made in the form given below on a duly stamped paper and properly endorsed and attested by a Magistrate of the First class under his Court seal or by a Notary under his notarial seal.

FORM OF AFFIDAVIT

"I .....son of.....
aged.....occupation.....residing
at.....do hereby solemnly declare on oath that my
certificate of having passed the .....Examination of the
year..... .....from.....Institution,
has been actually lost or destroyed and that it is my true statement.

.....
(Signature of the Deponent.)

Dated.....196.

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VERIFICATION

"I, deponent, do hereby solemnly verify that the contents of this affidavit are true to my knowledge and that nothing herein contained is false and that nothing therein is concealed. So help me God."

Dated at this.....of 196,

.....

Address. . , ...(Signature of the Deponent.)

(ii) The application, the affidavit and the fee of Rs. 5/- should be sent to the Head of the Institution concerned who forwarded the application for admission to the Examination who, should after satisfying himself that the applicant is really the person to whom the original certificate was issued and that his certificate has been actually lost or destroyed endorsed the application in the following form :—

"I am satisfied that the applicant is really the person to whom the original.....Examination Certificate was issued in the year..... .....and that it has been actually lost or destroyed."

(iii) Provided that the condition of submitting an affidavit and that of submitting application through the head of the Institution shall not apply to Pakistan domiciles.

122. Students who, after passing an Examination from a Board or University which has been recognised by the Board as equivalent to its High School Examination, seek admission to Class XI of.....Higher Secondary School within the jurisdiction of the Board, shall at the time of admission, be required by the Principals of the Colleges or Schools to which they seek admission to produce an Eligibilily Certificate signed by the Secretary of the Board and make payment of a fee of Rs. 5/- Application for such a certificate should be made to the Secretary on a printed form to be obtained from the office of the Secretary.

123. A duplicate copy of the Eligibility Certificate in case of the original copy is reported to have been lost shall be issued by the Secretary on receipt of a fee of Rs. 3/-

124. Subject-wise marks obtained by the candidates in each subject, at any Examination held by the Board shall be communicated to them as soon after the declaration of the results as possible through the Institution which forwarded their application forms. Paper-wise marks in such subject, if desired by the candidates, shall be communicated to them on receipt of a fee of Rs. 5/- in advance. A duplicate copy of the marks in case the original one is reported to have been lost, shall be issued by the Secretary on receipt of a fee Rs. 3/-

125. Candidates found using unfair means or in possession of unauthorised or prohibited articles (paper, books, notes, etc.,) in any of the Board's Examinations will be liable to be expelled from the Examination of the paper concerned. The Results Committee shall be the final authority to decide whether the candidate is guilty under this Regulation. The Committee may impose a higher penalties if it thinks that mere expulsion is not enough.

126. In any case where it is detected that the candidate's admission to the Examination has been affected by error, mal-practice, fraud or improper conduct, or where the head of the Institution presenting the candidate for the Examination cancels the admission or withdraws any time before the Examination, the conduct and Character Certificate given in respect of the candidate the Secretary shall have the power to cancel the candidate's admission to the

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Examination notwithstanding the inclusion of the name of the candidate in the list of the admitted candidates for the Examination, or the candidate's actual admission to the Examination in one or more subjects, and also to debar the candidate from appearing for such period of the Examination and as the Results Committee may decide.

The Secretary may admit a candidate to the Examination provisionally where any enquiries in respect of his eligibility for admission to the Examination are in Progress or contemplated and in the light of the final decision regarding his eligibility to deal further with his case as per provisions of these Regulations.

127. Notwithstanding anything contained in these Regulations, full refund of Examination fees may be granted to such candidates as may, during the period of national emergency join military service subsequent to their submission of their applications for admission to the Examination and who may apply for such refund on their producing a certificate signed by Officer Commanding concerned about their having joined military service during the period mentioned above and their being unable to take the Examination for reason thereof.

CHAPTER XVIII.

ENROLMENT AND ADMISSION

128. Enrolment is compulsory for every Regular student of a Recognised Institution, who desires to appear for the High School Certificate Examination, 1968 and onwards and Higher Secondary School Certificate Examination, 1969 and onwards. The fee for enrolment shall be Rupees two for every student and shall be paid once only.

129. (a) The application for enrolment together with the enrolment fee shall be submitted by the student of a Recognised Institution through the Head of the Institution concerned so as to reach the Secretary by the first October in the academic year in which he first joins a Recognised Institution. The Heads of Institutions shall scrutinise the forms of students applying for enrolment and certify that they have examined the certificate of the Examination qualifying them for admission to the Board's course concerned;

Provided that the Secretary may, in exceptional circumstances entertain an application for enrolment even later than Ist October.

(b) Students seeking admission to an Institution recognised by the Board after having been admitted as member of another Board incorporated by law for the time being in force, and, having appeared for public Examination of the Board, will not be enrolled unless their applications for enrolment are accompanied by a Migration Certificate from the previous Board.

130. (a) No student shall be deemed to have been admitted to any course of study of the Board, unless his name is borne on the Register of enrolled students.

(b) Except in cases where application for enrolment is rejected by the Board, the fee shall not be refunded.

131. On enrolment every student shall receive from the Secretary an enrolment Certificate showing the enrolment number under which his name has been entered to the Register and that number shall be quoted by student in all communications to the Board and subsequent application for admission to an Examination of the Board.

132. Any enrolled student may, at any time, obtain a certified copy of the entries relating to him in the enrolment register on payment of a fee of Rs. 1/-.

133. A duplicate copy of the enrolment certificate may be granted on payment of a fee of Rs. 1/-.

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134. If the name of any students, is struck off the rolls of a School or if he is transferred to another School or migrates to another Board, the fact will be reported to the Secretary by the Head of the Institution before the end of the session in which his name is struck off or he is transferred or his migration takes place.

The name of any student, rusticated or expelled shall be reported to the Secretary by the Head of the Institution immediately. The fact of expulsion or rustication shall be posted in the enrolment Register.

135. Before entering upon the courses of study prescribed for High School Examination every candidate shall be required to have passed VIII class Examination held by an Institution recognised for the High School or Higher Secondary Examination of the Board, or an equivalent departmental Examination conducted by the Education Department of the State or the corresponding Examination of a similar Institution situated outside Madhya Pradesh provided that such an Institution is Recognised by an examining body whose Examinations are recognised by the Board.

136. A student when applying for admission to a School shall bring with him a leaving certificate signed by the Head of the Institution last attended by the Student.

137. A student who studied last at an Institution connected with a Board other than the Board of Secondary Education, Madhya Pradesh shall produce a Leaving Certificate from the Head of such Institution countersigned by an Inspecting Officer of the Institution in the State.

138. A student who owing to his failure at an annual Examination of an Institution has not been promoted to a higher class, shall not be admitted into such Higher Class in any other Institution.

CHAPTER XIX.

SUPPLEMENTARY EXAMINATION

139. Supplementary Examination shall be held not later than August 15 every year for candidates who, having appeared at an immediately preceding Examinations of the Board, fail in one subject only.

Such candidates who take the Supplementary Examination may be provisionally permitted by the Principals of the College at their own risk to join the next higher classes in an Institution recognised by the Board,pending the result of the Supplementary Examination and count attendance in case they are successful at the Supplementary Examination.

140. Candidates shall be declared to have passed the Examination, if they secure 33 per cent of the markes in the subjects in which they appear at the supplementary Examination. No division shall, however, be awarded to such candidates.

141. Candidates who failed either in the theoratical or practical part of a science subject, shall be required to pass only in the part in which they have failed. The minimum pass percentage shall be the same as in the case of candidates appearing in all subjects.

142. A candidate who desires to appear at an Examination under these Regulations shall submit his applicaton direct to the Secretary in a prescribed form, so as to reach him not later than 10th of July each year, together with the prescribed fee.

In additon to the above, each candidate will have to pay a fee of Rs. 2/- for paperwise marks in subject in which he has appeared.

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A late fee of Rs. 5/- will be charged if the forms are received aftert he 10th July but not later than 17 July:

Provided that the Chairman may in exceptional circumstances entertain applications even later than 17th July.

143. Candidates who fail at or are unable to take the Supplementary Examination may be allowed to appear in that subject at the Examination to be held in March-April, subsequent to the Supplementary Examination.

144. Candidates who are successful at the Supplementary Examination, will be awarded a certificate in the form prescribed by the Board.

145. A candidate, who fails to pass or is unable to present himself at the Supplementary Examination shall not receive a refund of his fee:

Provided that if a candidate dies before the commencement of Examination his Examination fee shall be refunded to his parents or guardian.

146. The Secretary shall, after satisfying himself that a candidate has complied with all the requirements for admission to the Supplementary Examination of the Board, furnish the candidate with a card of admission on presentation of which to the Superintendent of the Examination Centre, the candidate shall be permitted to sit for the Examination.

147. The result of the Supplementary Examination shall be published under the order the Chairman and no meeting of the Result Committee will be necessary.

148. A candidate who has appeared at the Supplementary Examination of the Board, may apply to the Secretary for the scrutiny of his marks and the re-checking of his result in accordance with the Rules framed by the Board.

CHAPTER XX

CONDITIONS OF SERVICE OF BOARD EMPLOYEES

149. The Regulations in this Chapter shall apply to all permanent whole time servants of the Board excluding those whose services have been lent to the Board by Government.

150. Every appointment except to a temporary post shall in the first instance be on probation for a period of six months. The period of probation may be extended by such further periods as the Board may deem fit, but in no case the total period of probation shall exceed two years. The confirmation shall take effect from the date of expiry of the probation period.

151. No person shall be confirmed in his appointment unless he has produced a medical certificate of health from competent medical authority.

152. Increments shall be granted by the Secretary as and when they fall due, except in cases wherein the Secretary's opinion there are sufficient grounds to stop them. In cases of stoppage of increments the persons for stoppage shall be recorded in writing and communicated to the person concerned.

153. The Secretary shall have full powers in matter of leave, grant of increments, suspension pending departmental enquiry and imposition of minor punishments in respect of the ministerial and lower staff of the Board office:

Provided that such person shall have the right of appeal against the Secretary's order on a disciplinary matter, to the Chairman. The Chairman shall have similar powers in the case of Assistant Secretary and his orders on a disciplinary matter shall be appealable to the Board.

154. For every servant, a service book or service roll shall be maintained in the form in which they are maintained in Government Offices, and the Secre-

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tary shall have them kept up-to-date, and up-to-date leave account shall also be maintained by him in a suitable form.

155. The employees of the Board shall be eligible for medical reimbursement and for grant of advances as are granted by the State Government to its employees to the same extent to which the Government servants of similar grades are eligible to such reimbursement of advances.

156. Any question arising in respect of any employees which is not covered by these Regulations shall be decided by the Chairman according to the Rules of the Government for the time being in force.

157. Scales of pay, minimum qualifications, age, etc., for the various posts, shall be fixed by the Executive Committee.

158. The Board may obtain on loan services of any Government servant on such terms and conditions as may be agreed upon between the Board and the Government.

LEAVE RULES

159. Leave cannot be claimed as of right. When the exigencies of the public service so required, discretion to refuse or revoke leave of any description is reserved to the authority empowered to grant it.

160. (a) Leave begins on the day on which transfer of charge is effected or if charge is transferred in the afternoon, on the following day, after the Sunday or on the first day after the holiday which are prefixed to the leave.

(b) Leave ends on the day on which charge is resumed or if charge is resumed before noon, on the preceding day. When a servant of the Board permitted to affix holidays to leave, his leave ends on the day on which it would have ended if the holidays had not been affixed, and when a servant of the Board is permitted to prefix holidays to leave, his leave begins on the first day after the holiday:

Provided, however that the absence during the holidays prefixed or affixed must, not operate unfairly to any servant of the Board who during such absence, may be actually performing the duties of his post or of another similar post.

161. (a) No servant of the Board who has been granted leave on medical certificate may turn to duty without first producing a medical certificate of fitness.

(b) No servant of the Board who has been granted leave for reasons of health, when such leave was not actually granted on medical certificate may be required by the authority which granted the leave to produce a medical certificate.

162. A servant of the Board who remains absent after the end of his leave is entitled to no leave salary for the period of such absence, and that period will be debited against his leave account as though it were on half/average pay, unless his leave is extended by proper authority. Wilful absence from duty after the expiry of leave may be treated as misconduct.

163. Subject to the limitation imposed by Regulation 162 any kind of leave admissible under these Regulations may be granted in combination with any other kind of leave already taken, whether of the same or of any other kind.

164. Leave admissible under these Regulations, shall lapse on the day on which a servant of the Board must compulsorily retire:

Provided that if a servant has been denied in whole or in part on account of the exigencies of public service, the enjoyment pending retirement of earned leave which would otherwise reasonably have been granted, him, the authority

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having power to sanction leave may grant that leave to such extent as it may deem fit, even though it extends to a date beyond the date on compulsory retirement:

Provided further that a servant of the Board whose service has been extended in the public interest beyond the date of compulsory retirement may be granted any leave earned in respect of such extension in addition to the earned leave to his credit on the date of such extension, either within the period of extension, or, if the conditions of the preceding proviso are satisfied after its expiry.

GRANT OF LEAVE

165. A leave account shall be maintained in respect of all servants of the Board in the form prescribed for the services of Madhya Pradesh Government.

EARNED LEAVE

166. Earned leave admissible to a permanent servant of the Board will be one-eleventh of the period spent on duty.

167. A servant of the Board will cease to earn such leave when the earned leave due amount to 180.

HALF PAY LEAVE

168. Half pay leave will be earned without any restriction as to the limits of accumulation in the course of service, at the following rates :—

20 days for each complete year of service.

COMMUTED LEAVE

169. At his option a servant of the Board can have the half pay leave due commuted into half the amount of "full pay leave". Such commuted leave will be granted subject to the limit of 180 days during the entire service except in case of servants below ministerial cadre for whom the limit will be 120 days during the entire service.

LEAVE NOT DUE

170. (I) Save in case of leave preparatory to retirement "Leave not due" may be granted on medical certificate, such leave being limited to 180 days in case of officers and ministerial staff and 120 days in the case of others, during the entire service. Such leave will be debited against the half pay leave which the servants of the Board earn subsequently on return to duty.

(2) Leave not due should be granted only under extraordinary circumstances and if the authority empowered to sanction leave, is satisfied that there is a reasonable prospect of the servant returning to duty on the expiry of the leave and earning an equal amount of half pay leave thereafter.

LEAVE SALARY

171. A servant of the Board on leave shall draw leave salary as follows:—

(a) If the leave is due, leave salary equal to average pay during the earlier portion of leave and half average pay, during the remainder, as he may elect subject to the provisions of Regulation 169, and

(b] In case of leave not due, leave salary equal to half average pay.

Note :—The term "Average Pay" for the purposes of these Regulations will have the same meaning as is defined in the Government Rules applicable to the servants of the State Government.

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CASUAL LEAVE

172. The amount of casual leave to a servant of the Board in a calendar year shall not exceed thirteen days.

173. Casual leave shall not be allowed or more than eight days at a time. It may be combined with Sundays and other authorised holidays, provided that the resulting period of absence from duty does not exceed ten days. Sundays or other authorised holidays when so combined with casual leave shall not be counted for the purpose of reckoning the total amount of casual leave but only the working days on which an employee of the Board remains absent on casual leave shall be counted for reckoning the total amount of such leave.

174. A record of all casual leave granted shall be maintained in a Register.

CHAPTER XXI

THE BOARD PROVIDENT FUND

176. In this Chapter, unless the context otherwise requires :—

(a) "Permanent" means confirmed in a post on which no other employee of the Board has a lien and which is borne permanently on the Board's Establishment:

Provided that in the case of a contract appointment, a person appointed to a post shall be considered as permanent for the period for which the appointment is sanctioned, if the competent authority has confirmed the holder of the post in such contract post;

(b) "Salary" includes special pay or personal allowances but does not include any acting or other allowances.

177. Every whole time permanent servant of the Board otherwise than one whose services have been lent to the Board by the Government and who opted for pension shall as a condition of service, become a depositor in the Board's Provident Fund from the month in which he is confirmed.

178. Subscription to the Fund shall be at the rate prescribed in the Madhya Pradesh Contributory Provident Fund Rules. Such subscription shall be deducted monthly from the salary of the depositor and the amount so deducted shall be paid into the Board's Provident Fund to the credit of the depositor. A servant of the Board on leave on full pay shall continue to pay his subscription to the Provident Fund and may continue to do so at his option if on leave on less than full pay. At the end of every month the Board shall, in the case of such subscriber, make a contribution at the rate prescribed in the Madhya Pradesh Contributory Provident Fund Rules and this amount shall be placed at the credit of the .....

179. Subject to the exceptions stated in Regulations 180 and 181 a depositor shall be entitled, upon leaving the service of Board, to draw out and receive the whole sum standing to his credit in the Fund.

180. No servant of the Board—

(a) whose services shall have been dispensed with for what, in the opinion of the Executive Committee is misconduct, or

(b) who has been in the service of the Board for less than three years, or

(c) who resigns his appointment without giving reasonable notice,

shall be entitled to any sum or sums contributed by the Board or any part thereof or any interest or other profit thereon.

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181. In the case of a Board servant who is engaged for a term of years, and who with or without the permission of the authority that appointed him, vacates his appointment before the completion of his first term of service, it shall be within the discretion of the Executive Committee to withhold part or the whole of any sum or sums standing to his credit in the Fund that have been contributed by the Board and of any interest or other profit thereon.

182. (I) In the case of illness of a depositor or any member of his family or in such other cases as may be specified by Rules made by it in this behalf under Regulation 9, the Executive Committee may advance to the depositor a sum not exceeding one-fourth of the sum to his credit at the time, subject to such conditions regarding payment as the Executive Committee may deem fit to impose.

(2) Subject to such conditions as may be specified by Rules made by it in this behalf, the Executive Committee, may advance to a depositor a sum not exceeding one-half of the contribution payable by him to the Provident Fund in the financial year in which the sum is paid, to meet payments towards insurance policies approved by the Executive Committee. Except as otherwise specified in byelaws such sum shall not be treated as repayable advance.

183. A depositor may from time to time make a declaration to the form whom he desires the amount standing to his credit in the Fund to be paid at his death and the said amount shall be paid to such person or persons. On such payment being made the Board shall be absolved from all liability in connection therewith.

184. The Executive Committee may from time to time, besides making bye-laws or issue such general or special directions as may be consistent with these Regulations as to —

(a) the conduct of the business of the Fund; and

(b) any matter relating to the Fund, or its management, or the investment of sums, at the credit of the Fund, or the privileges of the depositors not therein expressly provided for.

185. The provisions of these Regulations shall be deemed to be conditions of the appointment of every depositor in the service of the Board and shall be binding on him as such.

186. The Fund shall from time to time be invested in such securities of the Government or in such other securities including the fixed deposits in a bank as may be approved. The account of the Fund shall be kept in the forms approved by the Executive Committee.

Declaration Form Under Regulation—183.

I.....a servant of the Board of Secondary Education, Madhya Pradesh, do hereby declare in the presence of the persons named below that on my death the amount standing to my credit in the Board Provident Fund shall be paid to.....

(I) Full Name.....
Relationship and Address.....

(2) Full Name.....
Relationship and Address.....

(3) Full Name.....
Relationship and Address in the ratio of.....

(1) Full Name. .....
Signature, designation and address.

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(2) Full Name.

.....

Signature and designation of the Depositor.

BHOPAL

The.....19..

CHAPTER XXII

PROVIDENT FUND FOR BOARD SERVANTS APPOINTED TO TEMPORARY POSTS

187. Board servants appointed to such temporary posts as may be specified in this behalf by the Executive Committee from time to time shall, as a condition of their service, become depositors in on-Contributory Provident Fund for temporary Board servants which shall be estalished from such date as may be fixed by the Executive Committee of the Board.

188. Subscription to the Fund shall be eight per cent on the salary of the post which subscription shall be deducted monthly from the salary of the depositor and the amount so deducted shall be deposited into the Fund to the credit of the depositor. A Board servant on leave on full pay shall continue to pay subscription to the Fund and may continue to do so at his option if on leave on less than full pay.

189. The depositor shall be entitled upon leaving the service of the Board to draw out and receive the whole sum, standing to his credit in the Fund, together with such interest as may be earned thereon.

190. In the case of illness of the depositor or any member of his family or in such other cases as may be specified by the Executive Committee in this behalf the Executive Committee may advance to the depositor one-fourth of the sum to his credit at the time subject to such conditions regarding repayment as the Executive Committee may deem fit to impose.

191. If subscriber to this Fund is subsequently appointed as permanent servant of the Board without any break in the service, the Board shall, as with effect from the date of his temporary appointment and in accordance with the provision of Regulations contained in Chapter XX make a contribution to the Fund at the prescribed rate.

CHAPTER XXIII

TRAVELLING AND DAILY ALLOWANCE

192. Travelling and daily allowances for journeys undertaking for doing the work of the Board shall be regulated as follows :—

(i) A member of the Madhya Pradesh Legislative Assembly shall be paid travelling and daily allowances according to the Provisions contained in the Madhya Pradesh Legislative Travelling Allowance Rules, 1957.

(ii) Every other non-official shall be entitled to travelling and daily allowances according to the Rules and Orders for the time being applicable to the Government Servants of Grade I.

(iii) Every official of the Government and the employees of the Board shall be entitled to travelling, daily and conveyance allowances according to the Rules applicable to the Government Servants of the Corresponding grade from time to time.

193. A member of the Board or a Committee of the Board who resides at the place of meeting or within five miles of the place of meeting shall be paid a conveyance allowance of Rs. 4/- for each day on which he attends a meeting except in the case of a member of the Legislative Assembly, who shall be paid a daily allowance for attending such meetings in accordance with the provision of the Madhya Pradesh Legislative Travelling Allowance Rules, 1957.

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194. (1) The Chairman shall be the controlling officer in respect of his own travelling and daily allowance bills and he shall also be the Controlling Officer in respect of the bills of the Vice-Chairman and the Secretary of the Board.

(2) The Secretary shall be the controlling officer in respect of the Travelling Allowance and daily allowance bills of the members and employees of the Board and persons other than those mentioned in sub-regulation (I).

195. Payment of T. A. and D. A. to Non-official members may be made in cash before their return journey starts.

196. Non-official members may not necessarily give ticket numbers.

CHAPTER XXIV

REMUNERATION TO EXAMINERS, ETC.

197. The follwing shall be the rates of remuneration to Examiners or tabulators and checkers etc., for the Board's Examination :—

A. High School and Equivalent Examination—

(1) For setting a paper—Rs. 25/-

(2) For setting a paper in Urdu Shikast—Rs. 10/-

(3) For making each answer paper—Rs. 0. 50. P.

(4) For making Shikast sheets—Rs. 10/- per one hundred candidates.

(5) For practical Examination, per candidate—Re. 1/- with a minimum fee of Rs.15/- for each institution to be equally divided between the internal and External examiners.

(6) To the Head Examiner for checking practical work done by sub-examiners—Rs. 10/- per hundred candidates

(7) To the Head Examiner, in addition to the fee for marking answer papers of setting questions—Rs. 15/- on the same condition as in the Intermediate, Higher Secondary School and Teachers Training Certificate Examination.

(8) For translating a paper and a part of a paper—Rs. 15/- and Rs. 10/- respectively.

B. Intermediate, Higher Secondary School and Teachers Training Certificate Examination—(Arts, Science, Commerce, Agriculture)—

(1) For setting a full paper—Rs. 30/-

(2) For marking each answer paper—80 Paise.

(3) (a) For the practical Examination in Science—Rs. 2/- per candidate with a minimum fee of Rs. 25/- per institution (to be equally divided between the internal and external Examiner.)

(b) For the practical Examination in teaching—Rs. 1/- per candidate to each of the external examiner.

(4) For practical Examination in Music—Re. 1/- per candidate with a minimum fee of Rs. 30/- per institution.

(5) To the Head Examiner in addition to the fee for marking answer paper—Rs. 20/- to be paid in respect of each sub-examiner (if any), working under him, no additional fee being paid for re-examining marked answer books received from sub-examiners or for supplying models to them. At least 5 models should be supplied to each sub-examiner.

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(6) For translating a paper and a part of a paper—Rs. 20/- and 10/- respectively.

(7) To the Head Examiner in each practical Examination in Science—Rs. 10/- per hundred candidates with a minimum fee of Rs. 40/- for the whole work.

C. All Examinations—

(1) For tabulating—Rs. 30/- per 100 candidates.

(2) For checking—Rs. 15/- per 100 candidates.

(3) For cross-checking—Rs. 15/- per 100 candidates.

(4) Tabla player at practical Test in Music—Rs. 5/- per day.

(5) Laboratory Attendant—Rs. 0.12 P. per candidate.

(6) Minimum charges for Valuation—Rs. 10/- irrespective of media of answer books.

(7) Writing stencils of question papers—Rs. 5/- per paper.

D. Supplementary Examination—

(1) For tabulating and checking—Rs. 20/- per hundred candidates (to be divided equally among the Tabulators and Checkers.)

(2) For cross-checking—Rs. 10/- per hundred candidates.

E. Miscellaneous—

(1) Writing the office and fair copy of the certificate issued to successful candidate—Rs. 0.12 P. per candidate.

(2) Comparison of Certificates—Rs. 5/- per hundred candidates.

(3) Preparing mark sheets for individual candidates—Rs. 0.12 P. per candidate and comparing of mark sheets from the tabulation register Rs. 5/- per hundred mark sheets.

(4) Centre Charges, (Main Examinations)—Rs. 2/- per candidate to be given to institution.

(5) Centre Charges (Supplementary Examinations)—Rs. 0.25 paise per candidate to be given to institution.

(6) Remuneration for the Examination to—

(1) Superintendents—Rs. 8.00 per day if candidates are up to 100.
Rs. 10/- per day, if candidates are more than 100, but not more than 150.

Rs. 12/- per day, if candidates are more than 150, but not more than 300.

Rs. 15/- per day, if the candidates are more than 300.

(2) Invigilator—Rs. 3/- per meeting.

(3) Office Staff and Servants—

(i) Only one clerk will be allowed for each group of 250 candidates or its part. The rate of remuneration will be Rs. 2.50 per clerk, for every meeting of the Examination;

(ii) Only four peons will be allowed up to first 300 candidates and one additional peon will be allowed for a group of every additional 100 candidates or its part. They will be paid at the rate of Rs. 2.00 per day.

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Note— No Class VI Servant will be allowed at the centre from contingency amount, over and above the number specified above.

(4) Assistant Superintendent to Examination Centre—

(i) For candidates up to 500—One Assistant Superintendent.

(ii) For candidates above 500—two Assistant Superintendents.

(iii) The rate of remuneration for Assistant Superintendents will be Rs. 8/- per day.

The remuneration of item No. 11 (3) and (4) will be calculated on the number of candidates registered at the centre. This remuneration will be paid for two days before the commencement and two days after the completion of the Examination. Payment for water charges may be made from contingency.

(8) Remuneration to each number for moderating a paper—Rs. 8.00. per paper for the High School Examination.

Rs. 10.00 per paper for the Intermediate, Higher Secondary School and Teachers' Training Certificate Examination.

(9) Remuneration for re-checking of results and re-totalling of marks—Rs. 0.25 per answer-book.

(10) Remuneration for moderation of Memorandum of Instructions—Rs. 5/- per paper.

(11) Executive Committee shall have powers for fixing remuneration for any other item not mentioned in these Regulations. It may also frame bye-laws for payment to be made for overtime work.

CHAPTER XXV

MISCELLANEOUS

198. Teachers desiring to take up Board's remunerative work shall on payment of Rs. Two be entitled to have their names enroled in the register of Registered Teachers to be maintained in such form as may be prescribed by the Board, They will be considered as for as possible, for the above work if eligible under Rules made in this behalf.

199. Detailed information regarding the Examination of the Board shall be given in the Prospectus of the Examination which shall be issued annually by the Secretary of the Board.

200. The Board shall, from time to time, issue such instructions for the admission of students in recognised Institutions and for migration of students, as may be deemed necessary, laying down the procedure of the Examinations and prescribing the appropriate forms and registers in this behalf.

201. The expression "A regular course of study" means attendance of at least 75 per cent, of the lessons and other teaching in a Recognised Institution in the subjests for the Examination at which the candidate intend to appear, and at such other practical work (such as work in a laboratory) as is required by these Regulations or any other provisions in force for the time being.

202. The Board shall for the purpose of a regular course of study prescribed minimum number of the meeting of a class that must be held in preparation for any of its Examinations.

Note—The minimum number of days for which Recognised Institutions will be open during one academical year, shall be 200.

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203. No candidate will be permitted for an Examination of the Board by a Recognised Institution, unless he has been present for at least 75 per cent of the days for which the institution was open, and for at least 75 per cent of the lectures, delivered in each subject and at least 75 per cent, of the tutorial and practical work classes if held in each subject.

204. There shall not be more than one period per section or group of a class devoted to Physical Education on any day in a Recognised Institution. The minimum number of periods devoted to Physical Education in such an Institution during one academic year shall be one hundred. No candidate shall be presented for Examination of the Board unless he has attended at least 75 percent of the period devoted to Physical Education or at least 75 per cent of the N.C.C. parades and has been present at the Annual Camp of the N.C.C. except private candidates and those who have been declared unfit for Physical Education by a Medical Authority who should be adequately qualified. In cases of special hardship the Head of the Institution is empowered to exempt student from Institution to Physical Education. The period for which a candidate has been declared unfit by the Head of the Institution shall not be counted for the purpose of calculating his percentage of attendance.

205 Students of a Multi-purpose of Higher Secondary School who go out on excursions in connection with the practical work in Economics, History, Geography, Commerce, Physics, Biology or Chemistry shall be marked present in Institutions for the days they are out on such excursions.

206. In the case of candidates who have failed or have been detained and of those who, having passed the Junior Cambridge (Junior Local) Examination, are admitted to Class X of recognised High School, the percentage will be calculated for one academical year only.

The course for the High School Examination, being at two years' course in each subject admission in Class X is not permissible except in case of candidates who have failed.

207. In exceptional cases where a candidate has migrated from one institution to another, both being within the jurisdiction of the Board, if an optional subject taken by him is not taught in the latter Institution, the Head of the Institution may permit a change of subject with the permission of the Board. The attendance put in by a candidate in a subject which he subsequently offers with the permission of the Board should be counted along with the attendance in the old subject for the purpose of calculating his percentage of attendance in new subject.

208. The Head of the Recognised Institution may condone a deficiency of not more than 3 per cent, of the total number of working days in the case of the High School Examination and not more than 3 per cent of the number of lectures in each subject in the case of the Higher Secondary School Examination (the theoratical, practical, tutorial counted separately). All the cases in which the privilege is exercised must be reported to the Chairman.

209. In the case where deficiency exceeds the limits mentioned above, the Head of the Institution may recommend a further condonation up to 4 per cent to the Secretary, who, in exceptional circumstances, may condone it.

210. In very exceptional cases on strong recommendations from the Head of the Institution and the Secretary, the Chairman may further condone a deficiency of 3 per cent.

211. The Regulations under the Madhya Pradesh Secondary Education Act, 1959, are hereby repealed:

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Provided that anything done or any action taken under the Regulations, hereby repealed shall, so far as they are not inconsistent with these Regulations, be deemed to have been done or taken under the corresponding provisions of these Regulations.

THE MADHYA PRADESH MADHYAMIK SHIKSHA NIYAM, 1966.

Notification No. 728-3549-XX (2), dated 12th December, 1966—In exercise of the powers conferred by section 27 of the Madhya Pradesh Madhyamik Shiksha Adhiniyam, 1965 (Act No. 23 of 1965) the State Government hereby makes the following Rules, the same having been previously published as required by sub-section (I) of the said Section, namely :—

1. Short title—These Rules may be called the Madhya Pradesh Madhyamik Shiksha Niyam, 1966.

Comments

The Madhya Pradesh Madhyamik Shiksha Niyam, 1966, was published by notification No. 728-3549-XX(2) dated 12th December, 1966 in Madhya Pradesh Rajpatra, Part IV (Ga) on the 12th day of January, 1968 at pages 22-26.

2. Definitions—In these Rules, unless the context otherwise requires :—

(a) "Act" means the Madhya Pradesh Madhyamik Shiksha Adhiniyam, 1965 (Act No. 23 of 1965);

(b) "Dependent" means any of the relations of deceased subscriber as defined in Rule 2 (1) (iii) of the Madhya Pradesh Contributory Provident Fund Rules;

(c) "Interest" means the interest which is paid on a deposit in the Post Office Savings Bank, as may be determined from time to time for deposits in the Post Office Savings Bank;

(d) "Officer" means every whole-time salaried Officer, other than one whose services have been lent to the Board by the Government;

(e) "Salary" means monthly salary, and includes all fixed monthly allowances by way of pay, acting or personal allowace, but does not include any other allowance;

(f) "Savings Bank" means the Post Office Savings Bank;

(g) "Section" means a Section of the Act;

(h) "State Service" means any service under the Government of Madhya Pradesh;

(i) "Subscriber" means an officer on whose behalf a deposit is made under these Rules;

(j) "Vice-Chairman" means the Vice-Chairman of the Board appointed under sub-section (1) of Section 16.

3. Term and conditions of Service of Chairman—(1) The Chairman shall hold office for a term of three years from the date on which he enters upon his service and shall be eligible for re-appointment.

(2) The Chairman other than an ex-officio Chairman shall be a whole-time salaried officer of the Board and shall be appointed on such salary as may be fixed by the State Government in the scale of Rs. 1,500—75—1,800.

(3) If a Government Servant staying in the State as member of any of the All India Services or of the State Service is appointed as an ex-officio Chairman, he shall not be entitled to any deputation allowance but shall be entitled to a special pay of Rs. 200 per month, in case he is not already in receipt any special pay for the post he is holding under the State Government.

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4. Terms and conditions of service of Vice-Chairman.—(1) The Vice-Chairman shall hold office for a term of three years from the date on which he enters upon his office and shall be eligible for re-appointment.

(2) The Vice-Chairman shall be a whole-time salaried officer of the Board and shall be appointed on such salary as may be fixed by the State Government in the scale of Rs. 1100-1100-30-1160-40-1200 plus a special pay of Rs. 150 per month. If an officer belonging to any of the All India Services or the State Service is appointed a Vice-Chairman he shall not be entitled to any deputation allowance but shall, in addition to his grade pay, be entitled to a special pay of Rs. 150/- per month.

5. Qualification and conditions of service of the Secretary and Deputy Secretary.—(1) A Secretary or a Deputy Secretary of the Board shall be a whole-time salaried officer of the Board.

(2) The scale of pay atached to each of the said posts shall be as under :—

Secretary :—Rs. 1100-1100-30-1160-40-1200.

Deputy Secretary :—Rs. 550-550-30-700-700-EB-30-850-25-950.

(3) If a Government servant serving in the State as member of the All India service or of the State Service is appointed as Secretary of the Board, he shall not be entitled to any deputation allowance but shall, in addition to his grade pay, be entitled to a special pay of Rs. 100/- per month.

(4) (i) A person shall not be qualified for appointment as a Secretary of the Board unless he is or has been or is qualified to be Principal of the Post-Graduate Basic Training College of Madhya Pradesh.

(ii) A person shall not be qualified for appointment as a Deputy Secretary of the Board unless he is or has been or is qualified to be a Divisional Superintendent of Education or Deputy Director of Public Instruction or Professor of the Post-Graduate Basic Training College in Madhya Pradesh.

6. Terms and conditions of service of the Divisional Chairman.—(1) The Divisional Chairman shall hold office for a term of three years from the date on which he enters upon his office and shall be eligible for re-appointment.

(2) The Divisional Chairman shall be appointed on such salary as may be fixed by the State Government in the scale of pay of Rs. 550-550-30-700-700-EB-30-850-25-950.

7. Terms and conditions of Service of the Divisional Secretary of the Board.—(1) The Secretary of the Divisional Board shall hold office for a term of three years from the date on which he enters upon his office and shall be eligible for re-appointment.

(2) The Secretary of the Divisional Board shall be a whole-time salaried officer and shall be appointed on such salary as may be fixed by the State Government in the scale of pay of Rs. 360-15-405-425-25-550-550-EB. 25-700.

8. Rate of subscription by subscriber.—Every Officer shall subscribe to the Provident Fund at the rate fixed in the Madhya Pradesh Contributory Provident Fund Rules for which an account will be opened in the Savings Bank. The deduction shall be made by the Board upon every bill presented. In the calculation of this deduction, fractions of a rupee shall be omitted. Subscriptions by the subscriber, when on leave on less than full pay, will be optional. The amount so deducted together with the contribution by the Board under Rule 9 will be deposited in the Savings Bank. The payments in respect of the monthly deductions and contributions shall, so far as possible, be made into the Bank within two days of the receipt of the money in order that interest may accrue. The following procedure will be adopted :—

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The Post Office will open individual accounts for all the subscribers to the Provident Fund. The Board will arrange that all sums to be credited to these accounts shall be sent to the Post Office accompanied by—

(a) The Post Office Savings Bank Pass Book; and

(b A list in such form as may be prescribed by the Executive Committee showing in detail the amount to be credited to each account.

Note.— Subscribers to the Provident Fund are given the option of raising their subscriptions to the Provident Fund as provided for in the Madhya Pradesh Contributory Provident Fund Rules.

9. Contribution by the Board .—The Board shall make a contribution at the rate prescribed in the Madhya Pradesh Contributory Provident Fund Rules.

10. Investment of subscription in Post Office Certificates, etc —(1)Investment in the Post Office Cash Certificates or in Government Securities through the Post Office of the amount to the credit of a subscriber in his Provident Fund is also permissible if the subscriber so desires, on the condition that no security of the face value of less than Rs. 100/- is purchased at one time and that the securities are kept in the custody of the Accountant-General, Post and Telegraphs and the custody receipt is kept with the Secretary.

(2) The Post Office Cash Certificates if purchased shall remain in the custody of the Secretary.

11. Provident Fund Contribution to be kept in Post Office.—Subscribers to the Contributory Provident Fund on whose behalf accounts are opened at the Post Office, under the provisions of these Rules, shall not be deprived of their right to open ordinary private account in the Post Office Savings Bank or to purchase Post Office Cash Certificate or Government Securities through the Post Office with personal Funds.

12. Payment of premia on life insurance out of Provident Fund.—The Executive Committee may, under such conditions as may be laid down by it, permit the payment of premia on life insurance policy, or policies on the life of the subscriber out of his personal subscription to the Contributory Provident Fund Account under Rule 8. The amount to be deposited in the Post Office in the Provident Fund Account of the subscriber shall be reduced to the extent of such premia.

13. Withdrawal from Provident Fund.—(1) Withdrawal will be permitted when a subscriber's services in the Board come to an end by his retirement,resignation, death or otherwise, provided that —

(i) no officer whose services have been dispensed with for what, in the opinion of the State Government, is gross misconduct, shall be entitled to receive the amount of the contribution made by the Board on his be half and the interest thereupon;

(ii) no officer shall be entitled to receive the amount contributed by the Board on his behalf and the interest thereon, unless he had been in the service of the Board, for a continuous period of 12 months from the date he has been allowed to subscribe to the Contributory Provident Fund and has been permitted to resign his appointment.

(2) Any contribution and interest thereon withheld under this Rule shall belong to the Board and shall be credited to the Board account.

14. Maximum amount that can be withdrawn.—In the case of severe illness of a subscriber or his dependent, other urgent necessities to be decided by the Executive Committee, the Executive Committe may permit a subscriber to draw

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temporarily out of the Fund from the amount subscribed by him and the interest thereon such amount as it may deem fit.

Provided that the sum advanced shall not ordinarily exceed nine months' pay of the subscriber or one-third of the sum subscribed by the subscriber with the interest accumulated thereon, whichever is less.

Note.—The amount advanced under this Rule shall be such a sum as it is divisible into thirty-six equal amounts in whole rupees.

15. Refund of Advance.—The amount advanced under Rule 14 shall be refunded in the Fund by thirty-six equal monthly instalments. A subscriber may, however, at his option, make payment in less than thirty-six instalments or may repay two or more instalments at the same time. Recoveries will be made monthly commencing from the first payment of a full month's salary after the advance is granted. The instalments will be paid by compulsory deduction from salary or leave salary and will be in addition to the usual subscription.

16. Nominations.—(1) Each subscriber must file in the office of the Board a declaration in such form as may be prescribed by the Executive Committee showing how he wishes the amount of his accumulation in the Fund to be disposed in the event of his death or becoming insane:

Provided that if the subscriber has got dependents he shall not be permitted to nominate any outsider:

Provided further that where a subscriber has no dependent at the time of the nomination but subsequently comes to have one or more dependents he shall, as soon as may be, change the nomination in favour of such dependent, or dependents.

(2) The subscriber may, from time to time, change his nominees by a written application, duly witnessed, to the Secretary. A register of such nominees shall be kept in the office of the Board under the personal custody of the Secretary.

17. Provident Fund to be free from all liability.—Any sum standing to the credit of any subscriber to the Fund at the time of his death and payable to any dependent of the subscriber or to such persons as may be authorised by law to receive payment on his behalf, shall subject to any deductions authorised by these Rules, vest in the dependent and shall be free of any debt or other liability incurred by the dependent before the death of the subscriber:

Provided that if no nomination has been made by the subscriber, such sum shall be paid to the dependents order of preference given in clause (b) of Rule 2.

18. Other conditions of Service.—In respect of other matters the conditions of service of the Chairman, Vice-Chairman, Divisional Chairman, Secretary and Deputy Secretary of the Board shall be such as are applicable to a member of a Class I State Service and that of the Secretary of the Divisional Board shall be such as are applicable to a member of a Class II State Service.

19. Relaxation in exceptional cases.—Where the State Government is satisfied that the operation of any Rule or provision in the matter of the conditions of service of a person causes undue hardship in any particular case, the State Government may, by order dispense with, or relax the requirement of that Rule or provision to such extent and subject to such conditions as may be considered necessary for dealing with the case in a just and equitable manner.

20. Submission of the statement of audited accounts.—The accounts of the Board and the Divisional Board shall be audited annually by the Examiner of Local Fund Accounts, Madhya Pradesh in the month of August and September next falling the financial year to which the accounts relate. A statement of

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audited accounts and balance sheet shall be submitted to the State Government by 30th November of each year.

21. Interpretation.—All questions relating to the interpretation of these Rules shall be referred to the State Government whose decision thereon shall be final.

THE MADHYA PRADESH PRIMARY EDUCATION ACT, 1961.

[Madhya Pradesh Act No. 33 of 1961).]

RECEIVED the assent of the Governor on the 3rd October, 1961; Assent first published in the Madhya Prade Gazette on the 13th October, 1961.

AN ACT to consolidate and amend the Law relating to primary Education by making better provisions for the development and expansion of free and compulsory Primary Education for Children in Madhya Pradesh.

BE IT enacted by the Madhya Pradesh Legislature in the Twelfth Year of Republic of India as follows :—

PART I

PRELIMINARY

1. Short title, extent and Commencement. —(1) This Act may be called the MADHYA PRADESH PRIMARY EDUCATION ACT, 1961.

(2) It extends to the whole of the State of Madhya Pradesh except the Scheduled Areas therein.

(3) It shall come into force on such date as the State Government may, by notification appoint.

COMMENTARY

1. Preamble. —A preamble is a key to the interpretation of a statute. *Naidu. Vs. Narasram Naraindas.* A. I. R. 1966. Supreme Court. 361.=(1966) I. S. C. A. 113. Its aid can be taken to understand the policy and the object behind the Act. *Sarkies. Vs. District Magistrate Meerut.* A.I.R. 1966. Allahabad. 458. The preamble of this Act enacts that it is an act to consolidate and amend the law relating to Primary Education by making better provisions for the development and expansion of free and compulsory Primary Education for children in Madhya Pradesh.

2. Statement of Objects and Reasons. —Mr. Justice P. V. Dixit, Chief Justice and R. J. Bhave, J., in *Shri Rajkumar Singhji. Vs. The Commissioner*, 1967, Madhya Pradesh Law Journal, 880, said that it is well settled that the Statements of Objects and Reasons attached to a Bill is to be excluded while construing the terms of a Statute and that the speeches made by Members of Parliament are not admissible as extrinsic aid to the interpretation of statutory provisions. See *Express Newspapers (P.) Limited and another. Vs. The Union of India and others.* A. I. R. 1958. Supreme Court. 578. *Aswini Kumar Ghose and another. Vs. Arbinda Bose and another.* A. I. R. 1952. S. C. 369. In *State of West Bengal. Vs. Union of India.* (1964). I. S. C. R. 371, the Supreme Court said that a statute as passed by Parliament is the expression of collective intention of the Legislature as a whole and any statement made by a Member albeit a Minister of the intentions and objects of the Act cannot be used to cut down the generality of the words used in the Statute.

3. Mandatory and Directory Provisions. —The Bombay High Court (Tarkunde and Chitale, JJ.) in *M/s Modern Builders. Vs. Hukmatrai.* A. I. R. 1967. Bombay. 373,said that it is, obvious that an obligatory rule may be either manda-

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tory or directory, depending upon whether the Legislature intended that non-comliance with the rule should or should not result in the nulification of subsequent proceedings. As observed by Maxwell on Interpretation of Statute the question must be decided on the scope and object of the provision in question and on consideration of convenience and justice. The learned author says in the 11th edition at page 364 of the book—

> "It has been said that no rule can be laid down for determining whether the command is to be considered as a mere direction or instruction involving no invalidating consequence in its disregard or as imperative with an implied nulification for disobedience, beyond the fundamental one that it depends on the scope and object of the enactment. It may perhaps, be found generally correct to say that nulification is the natural and usual consequence of disobedience but the question is in the main governed by considerations of convenience and justice and, when that result would involve general inconvenience or injustice to innocent persons or advatage to those guilty of the neglect without promoting the real aim and object of the enactment such as intention is not to be attributed in the legislature."

Per Bijayesh Mukherji, J., in *Tinkari Sen and others. Vs. Dutal Chandra Das and others.* A.I.R. 1967. Calcutta. 518, no universal rule can be laid down for construction of a statute or statutory instrument as directory only or obligatory with an implied nulification for disobedience. Much the best thing to do is to get at the real intention of the maker of the Statute or statutory instrument by carefully attending to the whole scope thereof. It was further said that by saying so, his Lordship does not more than adopt, with a little modification in the context of the case what has been laid down by Sir Asutosh Mookerjee in *Mathura Mohan Saha. Vs. Ram Kumar Saha & Chittagong District Board.* A.I.R. 1916. Calcutta. 136.

4. **Constitutionality.** —In deciding whether an Act is within the ambit of a Legislative entry, one must see what the pith and substance of that Act are and bear in mind the broad principles of construction of heads of power in an organic law. See *N. Krishnaraju Reddiar. Vs. Authorised Officer.* A. I. R. 1967. Madras. 352. (Veeraswami and Natesan, JJ.).

5. **Punctuation Marks.** —It is well settled that punctuation is not part of the statute and cannot, therefore, be regarded as a determining factor in construing the statute. See *Shri Rajkumarsinghji. Indore. Vs. Commissioner.* 1967. Madhya Pradesh Law Journal. 880 (Dixit, C. J. and Bhave, J.) The proposition has been laid down by the Privy Council in the *Maharani of Bardwana. Vs. Krishna Kamini Devi.* I. L. R. 14. Cal. 355 (P. C.) Following the decision of the Privy Council it has been held by many High Courts that punctuation not being a part of the statute to be construed is not a determining factor and the Courts should not take them into consideration in interpreting statutes. See *Edward Caston. Vs. L. H. Caston.* A. I. R. 1922. All. 270. *Niaz Ahmad Vs. Parsotattam Chandra.* A. I. R. 1931. Allahabad. 154. *Mani Lal Singh. Vs. Trustees* for the Improvement of Calcutta. A. I. R. 1919. Calcutta. 551. (F. B.). *Indian Cotton Company Limited. Vs. Hari Poonjoo.* A. I. R. 1937. Bombay. 39. and *Seth Gurmukh Singh. Vs. Commissioner of Income-tax.* A. I. R. 1944. Lahore. 353. Munior J., in Gurmukh Singh's case observed that in the interpretation of statutes, punctuation not being a part of the statute to be construed is not the determining factor and if the provision as punctuated leads to an absurd result or conficts with some other provision of the statute which is unambiguous and free from doubt, the punctuation must yield to an interpretation that is reasonable and makes it consistent with the other provisions of the Act.

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6. **Interpretation of Statute.** —In a recent judgment of the Supreme Court of India in *Shyam Kishori Devi. Vs. The Patna Municipal Corporation and another.* A. I. R. 1956 Supreme Court. 1678, it was observed that it is well known rule of construction that a Court must construe a Section, unless it is impossible to do so to make it workable rather than to unworkable. In the words of Lord Bramwell, the words of a statute never should in interpretation be added to or substracted from without almost a necessity. R L. Narsimham, C. J., in *Dasu Khan and others. Vs. Mohan Bhagwat and others.* A. I. R. 1966 Patna 425, in interpreting the law with the aid of foreign authorities said that Crawford in his well known book on Statutory Construction, 1940, Edition at pages 172-173, has discussed the effect of an amendment on a parent statute specially when the present statute is held to be unconstitutional. Though ordinarily an amending Act is not a new and independent statute, nevertheless in some instances, it may be a law independent and complete in itself. Even if the parent statute is held to be unconstitutional, there is authority for the view that a statute unconstitutional in its entirety may be amended, provided the amendment qualifies as a complete and independent statute in and of itself. The same view is conveyed in Sutherland Statutory Construction, third Edition, Volume I, at pages 333-335. The learned author pointed out that there is a conflict of view in the various States of America, the majority of Courts holding that if an unconstitutional Act is amended the main question for consideration by the Court is ascertainment of the intention of the Legislature when the amending Act was passed. If it is evident, "that the Legislature did not intend their enforcement to be dependent on the continued legal existence of the original Act, the Court will enforce the new provisions as an original Act." To quote the author at page 335 "Probably a majority of the Courts have rejected the theory that an unconstitutionl act has no existence at least for the purpose of amendment. The constitutional act physically exists in the official statutes of the State and is there available for reference and as it is only unenforceable the purported amendment is given effect. If the law as amended is constitutional, it will be enforced, The amendment need not be intelligible and complete on its subject although that is obviously desirable".

The learned author further says at page 337, ibid, "The intent of the Legislature in amending an unconstitutional act is just as easily ascertained as it is when it amends a valid act". The same plea is conveyed in *Carpus juris*, Volume 59, at page 855 as follows, "The fact that a Statute is entirely unconstitutionl does not render it impossible of amendment and that an amendment of such a statute is valid where the statute purporting to make the amendment is independent and a complete expression of the legislative will in which case the reference to the unconstitutional statute will be considered as being purely for identification.

Thus the American Authority fully supports the view that even though the parent Act may be unconstitutional since its inception, Mr. Justice Narasimham, C. J., said it does not necessarily follow that it cannot be amended by the Legislature subsequently. The question ultimately depends on ascertaining the intention or will of Legislature with a view to decide whether the reference to the unconstitutional parent Act in the amending Act is merely for the purpose of identification so that the amending Act when construed with the provisions of the parent Act referred to therein may be held tobe a complete law on the subject. The law of England also does not appear to be different.

In Halsbury's Laws of England, third Edition, Volume 36 at page 404, paragraph 611 it is stated "Where a Statute incorporates by reference the whole or any part of an earlier Statute the provisions so incorporated are in general to

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be construed as they would be if set out in full in the later Statute". It is based on Lord Esher's following observation in Inre Wood's Estate, Ex Parte,Commissioners of Works and Buildings, (1886) 31, Ch. D. 607, at page 615, "If a subsequent Act brings into itself by reference some of the clauses of a former Act the legal effect of that, as has often been held is to write those sections into the new Act just as if they had been actually written in it with the pen or printed in it,and the moment you add those clauses in the later Act, you have no occasion to refer to the former Act at all."Narsimham, C.J., further said in the case of *Dasu Khan. Vs. Mohan.* A.I.R. 1966 Patna. 426 that the constitutional validity will have to be determined in the light of the constitutional provisions in force when the amending Act was passed by the Legislature." See Chandak's Police Manual of Madhya Pradesh (1968 Edition) at page 3, and 4.

7. State of Madhya pradesh. —The Act extends to the whole of Madhya Pradesh. The term "State of Madhya Pradesh" or "the State" is defined in Section 2 (41) of the Madhya Pradesh General clauses Act, 1957 (Act 3 of 1957) to mean the State of Madhya Pradesh specified in the First Schedule of the Constitution of India.

The State of Madhya Pradesh consists of Mahakoshal Region, Madhya Bharat Region, Sironj Region, Vindhya Pradesh Region and Bhopal Region. These regions are defined in Section 2 (49) of the Madhya Pradesh General Clauses Act.

The term "Mahakoshal Region" means the territories comprised immediately before the appointed day, i. e., the 1st of November, 1956 within the districts of Jabalpur, Sagar, Damoh, Mandla, Hoshangabad, Narsimhapur, Chindwara, Seoni, Nimar, Raipur, Bilaspur, Durg, Bastar, Sarguja, Rajgarh and Balaghat. See Section 2 (49) (a) of the Madhya Pradesh General Clauses Act, 1957 (Madhya Pradesh Act 3 of 1957).

The term "Madhya Bharat Region" means the territories which immediately before the appointed day, i. e , 1st day of November, 1956 were comprised in the Part B State of Madhya Bharat, but excluding the area comprised within Sunel Tappa of Bl anpura Tahsil of Mandsaur District. See Section 2 (49) (b) of the Madhya Pradesh General Clauses Act, 1957. It is also laid down in the said Act that the Madhya Bharat Region sl all with effect from the 1st day of October 1959 be deemed to include the territories specified in the First Schedule to the Rajasthan and Madhya pradesh (Transfer of Territories) Act, 1959 (Act 47 of 1959).

The term "Vindhya Pradesh Region" means the territories which immediately before the appointed day, i , e., the 1st day of November, 1956 were comprised in the Part C State of Vindhya Pradesh. See Section 2 (49) (c) of the Madhya Pradesh General Clauses Act, 1957.

The term "Bhopal Region" means the territories which immediately before the appointed day, i. e , the 1st day of November, 1956 were comprised in the Part C State of Bhopal. See Section 2 (49) (d) of the Madhya Pradesh General Clauses Act, 1957 (Madhya Pradesh Act 3 of 1957).

The term "Sironj Region" means the area comprised within the Sironj subdivision of the Kotah district in the State of Rajasthan as existing immediately before the appointed day. i , e , the 1st day of November, 1956. See Section 2 (49) (e) of the Madhya Pradesh General Clauses Act, 1957.

8. Precedents. —If the Supreme Court has considered and decided a point, the observation on that point would bind the High Courts, even if the point did not directly arise for decision. See *Vishnu Dutt Vashisth and another, Vs.*

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Maharastra Watch and Gramaphone Company and Film of Bombay and others. A. I. R. 1967. Bombay. 434. (Chandrachud, J.)

9. Commencement. —The Act shall come into force on such date, which the State Government may by notification appoint for its commencement.

2. Definitions. —In this Act, unless the context otherwise requires—

(a) "Academic year" means the year beginning on such date as the State Government may by notification specify in respect of any specified area or for approved schools generally or any arpproved school or class of approved schools in particula;

(b) "Approved School" means any school in any specified area imparting primary education which—

(i) is under the management of the State Government or a local authority; or

(ii) being under any other management, is recognised by the State Government as an approved school for the purpose of this Act;

(c) "Attendance Authority" means any person appointed to be an attendance authority under Section 5 or Section 11;

(d) "To attend an approved School" means to be present for instruction at an approved school on so many days in a year and at such time or times on each one of those days as may be fixed by the prescribed authority;

(e) "Child" means a boy or girl within such age group, not being less than six or more than fourteen, as the State Government may in each case specify for the purpose of this Act with respect to any specified area;

(f) "Local Area" means the area within the jurisdiction of a local authority;

(g) "Parent" in relation to any child, includes a guardian and every person who has the actual custody of the child;

(h) "Primary Education" means education of such pattern and up to such class or standard as may be notified by the State Government from time to time;

(i) "Region" means the Mahakoshal Region, the Madhya Bharat Region, the Vindhya Pradesh Region, the Bhopal Region or the Sironj Region;

(j) "Special School" means any institution which imparts such primary education as in the opinion of the State Government is suitable for children suffering from any physical or mental defect;

(k) "Scheduled Area" means any area declared to be a scheduled area within the State of Madhya Pradesh under paragraph 6 of the Fifth Schedule to the Constitution of India;

(l) "Specified area" means any area in which primary Education is declared to be compulsory under Section 4 or Section 9.

COMMENTARY.

1. Importance of the Interpretation Clause or Definition Clause or Section.— It is well settled principle of law, per Ayyanger, J., in *State of Rajasthan. Vs. Leela* A. I. R. 1965 Supreme Court 1296, (A.K. Sarkar, N. Rajagopala Ayyanger and R. S. Bachawat, JJ.) that unless the words are unmeaning or absurd, it would not be in accordance with any sound principle of construction to refuse to give effect to the provisions of a Statute on the very elusive ground that to give them their ordinary meaning leads to consequences which are not in accord with the

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notions of propriety or justice entertained by the Court. No doubt, if there are other provisions in the State which conflict them, the Court may refer the one and reject the other on the ground of repugnance. Surely that is not the position everywhere. Again where the words in a Statute are reasonably capable of more than one interpretation, the object and purpose of the Statute, a general conspectus of its provisions and the context in which they occur might induce a Court to adopt a more liberal or a more strict view of the provisions, as the case may be, as being more consonant with the underlying purpose. But it is not possible to reject words used in an enactment merely for the reason that they do not accord with the context in which they occur, or with the purpose of the legislation as gathered from the preamble or long title.

In *Nalinkhaya Vs. Shyam Sunder*, A.I.R. 1953 Supreme Court, 148, it was observed by the Supreme Court of India that it must always be born in mind as said by Lord Halsbury in Commissioner for Special purpose of *Income-tax, Vs. Pemsel*, (1891) A. C. 531 that it is not competent to any Court to proceed upon the assumption that the Legislature has made a mistake. The court must proceed on the footing that the Legislature intended what it has said. Even if there is some defect in the phraseology by the Legislature the Court cannot, as pointed out in *Crawford Vs. Spooner* (1846) 6. Moo, P. C. I aid the Legislature's defective phrasing of an Act. Even where there is *casus omisus*, it is as said by Lord Russel of Killown in *Hansraj Gupta Vs. Dehra Dun Mussorie Electric Tramway Company Limited*, A. I. R· 1933 Privy Council 63 for other than the Courts to remedy the defect.

In *London Rubber Company Limited Vs. Durex Products Limited*, A.I.R· 1963, Supreme Court 1882 the Supreme Court cautioned the Court thus, "Indeed it is the duty of the Court to give full effect to the language used by the Legislature, it has no power either to give that language a wider or narrower meaning than the literal one, unless the other provisions of the Act compel it to give such other meaning, See *Sagoon Jayaidee Dhond and others Vs. Socledade Civile Particular das Taris of Volvol Ponda Concelbe and others*, A. I. R. 1966 Goa, Daman and Diu. 38.

It was observed in the above Goa, Daman and Diu case that the Courts cannot supply "*casus omissus*". This may be a better view in spite of the recent tendency to supplement the written words so as to give effect to the intention of the Legislature. *Jus Dare* is not the function of the Courts. The Courts are confined to Jus *Disecere*. "*Casus Omissus*" also cannot be created by interpretation much less by wrong interpretation or speculation.

In *Income-tax Commissioner, Vs. Sadra Devi*, A.I.R. 1957. Supreme Court. 832 the Supreme Court said that "It is only when the words used are ambiguous that they would stand to be examined and construed in the light of surrounding circumstances and constitutional principle and practice. Per Lord Ashbourne in *Nairn Vs. University of St. Andrews*, 1909, A. C. 147". See also *Shamba Reddy, Vs. Ghalamma*, A.I.R. 1966, Mysore. 311.

It is also well settled principle of construction that from the presumption that the Legislature has used the same words with some meaning was not much weight. It is reasonable to presume that the same meaning is implied by the use of the same expression in every part of an Act, the presumption is not of much weight, and the same word may be used in different senses in the same Statute and even in the same Section. This is more clearly brought out in Craies on Statute Law, fifth Edition at page 159, where it is said that the presumption that the same words are used in the same meaning is very light part of an Act in a different sense from that which it bears in another part of an Act. This rule of construction is now recognised even by Legislative bodies since it is now

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usual in the interpretation clause or definition clause of every Act to insert the words "unless a contrary intention appears", or "unless the context otherwise requires", or other similar words cutting down the general application of the definitions. The proper rule of construction, therefore, is to look at the Section itself and find out, the meaning of a word in question from the context in which it is used, though it would be permissible to find out its meaning from the other Sections, where the same word is used, if it is not possible to do so from the Section itself. *Appabhai Hemabhai Patel and others, Vs. State of Gujarat*, A. I. R. 1962. Gujarat, 218.

The expression "In this Act, unless the context otherwise requires" says that unless the context otherwise requires the word shall have the meaning assigned to them in the definition clause. The definition by itself neithter creates rights nor imposes liabilities. The liability is created by the charging Section. *The Burhanpur Tapti Mills Limited*, Vs. *State of Madhya Pradesh*, A. I. R. 1962. Madhya Pradesh,225. *Hazari Singh Vs. Vijay Singh*, 1963. M.P.L.J.(Notes.). 236. =1963. Jab, L. J. 715. See also Chandak's Police Manual of Madhya Pradesh, (1968 Edition) at pages 8 and 9.

2. **Validity of the Definition Section;—** *In Queen Vs. Justices of Cambridgeshire* (*1888*) Ad. and E. 480 at page 491.=112. E. R. 551 at page 555, Lord Benman, C. J., said ".....we apprehend that an interpretation clause is not to receive so right a construction that it is not to be taken as substituting one set of words for another, nor as strictly defining that the meaning of a word must be under all circumstances. We rather think that it merely declares what persons may be comprehended within the term, where the circumstances require that they should." The same principle thus states by Craies on Statute Law. "Another important rule with regard to the effect of interpretation clause is that an interpretation clause is not to be taken as substituting one set of words for another or as strictly defining what the meaning of a term must be under all circumstances but rather as declaring what may be comprehended within the term where the circumstances require that it should be so comprehended". *The Burhanpur Tapti Mills Limited, Vs. State of Madhya Pradesh*, A. I. R. 1962. Madhya Pradesh, 225. The definition Section, therefore, ought not to be used in such a way as to defeat orenable the defeating of the purpose of the Act. The definition clause being merely a key to the interpretation of the Statute, and, therefore, could not be declared *ultra vires* and wholly void simply because there may arise cases or circumstances when interpreting the Statute, where it should be permissible to understand the expression as defined in the definition Section. See *The Burhanpur Tapti Mills Limited, Vs. State of Madhya Pradesh* A.I.R. 1962. Madhya Pradesh 225.

3. **Specific Provisions.**—It is well established that when specific provision in a Statute is applicable to a particular set of facts, any other general provisions in respect of the same matter in the same Statute cannot be held to be applicable to those facts. The matter must be held to be governed by the specific provisions. See *P. V. Naik and others Vs. State of Maharastra*, A.I.R. 1967. Bombay, 482, (K.K. Desai and Chandrachud, JJ.)

4. **Application of Interpretation Clause.**—It is also a recognised principle of construction that general words and phrases, however, wide and comprehensive may be in their literal sense must usually be construed as being limited to the actual objects of the Act. *The Central India Spinning and Weaving and Manufacturing Company Limited, Vs. The Municipal Committee, Wardha*, A.I.R. 1958, Supreme Court, 341.=1958. M.P.L.J. 775. The interpretation of the definition clauses of a Statute of enactment are the keys of the enactment and they always explain and define the meaning of the words used in the enactment. Broadly

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speaking, it is an easy access to the provisions of the Statute, or the enactment. The definitions given in the interpretation or the definition clause may be substituted for the words defined anywhere in the Statute, unless the context otherwise does not require. It may also be used to define the words used in another cognate enactment, provided if the Statute are practically based on one another. *Tulsiram Shaw, Vs. Pal*, A.I.R. 1953, Cal. 160. *Jainaraiyan Ramkishan, Vs. Motiram Gangaram*, A.I.R. 1940, Nagpur. 24. *Patel, Vs. Viswanath* A.I.R. 1954, Bombay, 204. At the time of ambiguity, doubt, dilemma, or confusion the definition or the interpretation clause of the Statute may be looked into to determine its correct scope, object, explanation or interpretation. *Shidwirappa, Vs. Shivlingappa*, 53. Bom. L.R. 539. It is also not only unsafe, but unsatisfactory and probably dangerous to apply the interpretation or the definition clause in the cognate or the analogous laws, though the Legislature anvil might have produced them in a cognate matter or in the form of twins even. *Adomson, Vs. Melbourne Board of Works*. A.I.R. 1929, P.C. 181. *Kartick Chandra Vs. Harse*. A.I.R. 1943. Calcutta, 345. *Rambandhu Mishra, Vs. Brohmananda*. A.I.R. 1950, Calcutta, 524. Chandak's Police Manual of Madhya Pradesh. (1968 Edition at pages 9 and 10)

5. Words and Expressions used in the Definition Section.—Besides the words defined in the definition Section, there are certain other words and expressions, like "means" or/and "includes", "or" and "either", "shall" and "may", etc., are used.

"including"

Per Raj Kishore Prasad, J., it is well settled that the expressions "including" is very generally used in interpretation clause in order to enlarge the meaning of the words or phrases occurring in the body of the Statute and when it is so used, these words or phrases must be construed as comprehending not only such things as they signify according to their natural import, but aslo those things which the interpretation clause declares that they shall include. The word "including", therefore, is a term of extension. It imparts addition. It adds to the subject-matter already comprised in the definition. *S.M. James and another Vs. Abdul Khan*, A.I.R. 1961, Patna. 242. Mr. Justice P.V. Dixit, Chief Justice of Madhya Pradesh, while speaking for the Bench of the Madhya Pradesh High Court consisting of His Lordship and Mr Justice K.L. Pandey, J., observed in *Calico Mills Limited, Vs. State of Madhya Pradesh*, A.I.R. 1961, Madhya Pradesh, 237=1961, M.P.L.J. 474, that it is well settled that the word "include" is used in interpretation clause, where it is intended that while the term defined should retain its ordinary meaning, its scope should be widened by specific enumeration of certain matters which its ordinary meaning may or may not comprise so as to make the definition enumerative, and not exhaustive and when it is so used these words or phrases must be construed as comprehending not only such thing as they signify according to their natural import but also those things which the interpretation clause declares that they shall include. Again, where a term is interpreted in a Statute as "including" the comprehesive sense is not to be taken as strictly defining what the meaning of the word must be under all circumstances but merely as declaring what things should be comprehended within the terms where the circumstances require that they should. *Calico Mills Limited, Vs. State af Madhya Pradesh*, A.I.R. 1961. Madhya Pradesh, 237. *Patel Vs. Vishwanath Chand*, A.I.R. 1954, Bombay, 204. *Lyons and Co. Vs. Fox*, 1919,—I.K.B. 11. *Cordiner, Vs. Arts Theaters Club of London*, 1933.—I.K.B. 439. The word "include" is also treated as equivalent to the words "means and includes" sometimes.

"include"

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The words used in the interpretation or the definition clause of a Statute generally denotes extension or addition, but occasionally makes some restriction and, therefore, in such a contingency, the Court's function is to consider the entire Statutory definition and the object and scope of the Statute. *Jagdev Vs. Surat Singh*, I.L.R. (1962) 2. Punj. 300.

"exclude".

Lord Simonds in *Chichester Diocesan Fund, Vs. Simpson.* (1944) 2. All. E.R. 60=1944, A.C. 341, observes that "These two words are joined or separated by the word "or" a particle of which the primary function is to co-ordinate two or more words between which there is an alternative. It is, I think, the only word in out language, apt to have this effect its primary and ordinary meaning is the same whether or not the first alternative is preceded by the word "either". The House of Lords affirmed the judgment of the Court of Appeal in re *Diplock Wintle, Vs. Diplock* (1941) All. E.R. 193.=1941, Ch. 253, wherein Sir Wilfrid Greene M. R. observed that the word "or" is *primia facie*, and in the absence of some restraining context to be read as disjunctive, and if a testator wishes to give his trustees a discretion to apply his property either to charitable or to benevolent objects, I do not myself know that other word in the English language can more suitably be use then the word "or". I approach this question, therefore, on the views that the word "or" is used in relation to two or more alternatives are mutually exclusive. The question as to whether they are mutually exclusive or not must be determined by applying the general rule that words should (*Haridas Mundra Vs. National Grindlays Bank Limited.* A.I.R. 1963, Calcutta, 132) be construed to ascertain the intention of the provision in question to be collected from the whole of its terms. *Horesy. Vs. Gaidewell.* (1946) 73. C.L.R. 304, at pages 313 to 314 (Australia.)

"or"

"either"

"or"

while interpreting the Statute it should also be seen, whether the provisions are directory or mandatory. In *Collector of Monghyr and others, Vs. Keshava Prasad Goenka*, A. I. R. 1962. Supreme Court, 1694. (B. P. Sinha. C. J., K. Subba Rao, N. Rajagopala Ayyangar, J. R. Mudholkar and T. L. Venkatarama Aiyer. J. J.) Mr. Justice Ayyangar, J., wnile speaking for the Suprem Court of India said that it is needless to add that the employment of the auxiliary verb "shall" is inconclusive and similarly the mere absence of the imperative is not conclusive either.The question whether any requirement is mandatory or directory has to be decided not merely on the basis of any specific provision which for instance sets out the consequences of the omission to observe the requirement and on the purpose for which the requirement has been enacted, particularly in the context of the other provisions of the Act and the general scheme thereof. It would, inter alia, depend on whether the requirement is insisted on as a protection for the safeguarding of the right of liberty of person or of property which the action might involve. Similarly the word "may" is discretionary or mandatory at a particular place, can only be decided with reference to the context. The word "'may" does not show uncertainty or vagueness. It can also not be said that the use of the word "may" should be taken to mean unguided and uncanalised direction leaving the matter open to the option of the authority which confirms the scheme to prepare publish and confirm the scheme in accordance with the provisions of Act or not. In other words, whether it gives arbitrary jurisdication or power? The question revolves round the meaning of the word "may" whether it is used in the enabling sense or leaves a discretion when "may" be said also to mean "may not".

"shall"

"may"

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Per Tek Chand, J., it is true that ordinarily the auxilliary verb "may" is used in permissive or discretional sense as opposed to mandatory or impertive direction . The particular sense in which the word "may" has been used has to be gathered from the context. Ordinarily, it is not a word of command, but imports power or potentiality in the facultative sense. In certain context, it is interchangeable with the word"can"though sometimes it is also synonymous with"shall". It is a well know principle for interpretation of statutes that when an Act casts a duty on the person on whom the power is conferred to exercise that power, then the word is used in the imperative sense. In this sense it seems that when the authority which confirms a scheme, revokes it and decides upon a subsequent scheme it is incumbent upon it to have the scheme "prepared, published and confirmed in accordance with the provisions of this Act.." It does not mean that the authority is at liberty to do so in one case and forbear in the other. See *Bhikhan Babla and others. Vs. The Punjab State and others*, A.I.R. 1963. Punjab. 255. (Tek Chand, I. D. Dua and H. R. Khanna, JJ.)Lorp Blackburn in *Jullius. Vs. Lord Bishop of Oxford.*(1880) 5. A. C. 214.=49. L. J.Q. B. 577. observed that "the enabling words are construed as compulsory whenever the object of the power is to effectuate a legal right". Coleridge, J., in *Queen. Vs. Tithe Commissioner*, (1849) 14. Q. B. 459 =117. E. R. 179, said that" The words undoubtedly are only empowering but it has been so often decided as to have become an axiom that in public statutes words only directory, permissory or enabling may have a compulsory force where the thing to be done is for the public benefit or in advancement of public justice. "It is well settled rule of interpretation that where a Statute confers an authority to do a judicial or quasi-judicial act in a certain case, it is imperative on that authority to exercise the authority when such is arised and its exercise is duly applied for by a party interested or is required under the State. Courts have to determine the Legislative intent which sometimes is not clearly conveyed by the auxilliary verb "may" The use of the words"may" and "shall" or other cognate expression helps in discovering the intention of the Legislature. These words often admit of flexibility and the plain intention of the Legislature, wherever it can be spelled out cannot be disregarded because of an inapt use of a particular word. By themselves the words "may" and "shall" may be treated as indicative but not decisive of discretion or mandate. The ward"may" though facultative, does not imply an option to refrain from adhering to the prescribed procedure. *Bhikhan Bobla and others, Vs. The Panjab State and others*, A.I.R. 1963. Punjab 925=1963. Cur. L. J. 169.=65. punj. L. R. 368.

6. Mahakoshal Region.—Please see commentary under Para 7 bearing heading "State of Madhya Pradesh" under Section I, of this Act.

7. Madhya Bharat Region.—Please see commetary given under para No. 7 entitled as "State of Madhya Pradesh" under Section I, of this Act.

8. Vindhya Pradesh Region.—Please see commentary under para No. 7 entitled as "State of Madhya Pradesh" of Section I, of this Act.

9. Bhopal Region.—Please see commentary under Section I laid down in para No. 7 entitled as "State of Madhya Pradesh".

10. Sironj Region.—Please see commentary given under para No. 7 entitled as "State of Madhya Pradesh" of Section I of this Act.

PART II

RESPONSIBILITY OF STATE GOVERNMENT FOR IMPARTING FREE AND COMPULSORY PRIMARY EDUCATION IN CERTAIN REGIONS

3. Application of the Part.—This Past shall apply to ;—

(i) the regions in which immediatels before the coming into force of this Act, primary education was provided for directly by the State Government;

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(ii) such other regions or part thereof as the State Government may, by notification, extend the provisions thereof.

4. Primary Education to be compulsory in certain areas.—(1) The State Government may, by order direct that with effect from the first day of the next academic year primary education shall be compulsory for children of either sex or both sexes within such age group and up to such class of standard and ordinarily resident in such area within any region or part thereof to which this part applies, as may be specified in the order.

(2) Every order under sub-section (I) shall—

(a) be published in the Official Gazette and in such other manner as the State Government may decide;

(b) be so made as to ensure that there is an interval of not less than one hundred and twenty days or such other interval as the State Government may, by notification,direct between the date of publication of the order in the official Gazette and the first day of the next academic year.

5. Appointment of attendance authorities and their powers and duties.—(1) The State Government may appoint as many persons as it thinks fit to be attendance authorities for the purposes of this Act, and may also appoint as many persons as it considers necessary to assit the attendance authorities in the discharge of their duties.

(2) It shall be the duty of the attendance authority to cause to be prepared as early as possible after the publication of the order under Section 4, and in such manner as may be prescribed, a list of children ordinarily resident in any specified area at such time and in such manner as may be prescribed.

(3) In exercise of any of the powers conferred by or under this Act, the attendance authority or any person appointed to assist it, may put such question to any parent or require any parent to furnish such information about his child as it or be considers necessary, and every such parent shall be bound to answer such questions or to furnish such information, as the case may be, to the best of his knowledge or belief.

6. Attendance Authority to notify parent of his obligation towards his child.—It shall be the duty of the attendance authority to notify the parent of every child to whom the order under Section 4 applies that he is under an obligation to cause the child, to attend an approved school with effect from the beginning of the next academic year.

PART III

OF RESPONSIBILITY OF LOCAL AUTHORITY FOR IMPARTING FREE AND COMPULSORY PRIMARY EDUCATION

7. Provisions contained in this Part not to apply in certain cases :—Unless State Government, by notification, otherwise directs nothing contained in this Part shall apply to the regions or part thereof to which Part I1 applies.

8. Scheme for Primary Education.—(I) Where, under any enactment for the time being in force governing any local authority, it is an obligatory duty of the local authority to impart primary education, every such local athority shall provide for compulsory primary education for children ordinarily resident within its jurisdiction, and for this purpose, it shall, from time to time, submit to the State Government such proposals in the form of a scheme as it may think fit providing for such compulsory primary education in the whole or any part of the area within its jurisdiction for children of such ages and up to such class or standard as it may decide.

(2) Notwithstanding anything contained in sub-section(1)the State Government may, at any time, call upon a local authority to submit to it, within such

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time as may be specified, a scheme for compulsory primary education in such area within the jurisdiction of the local authority for children ordinarily resident therein, and of such ages and up to such class or standard, as the State Government may specify.

(3) The scheme submitted under sub-section (1) or sub-section (2) shall be in such form as the State Government may specify and shall amongst others contain the following particulars :

(a) the area in which the primary education shall be compulsory;

(b) the approximate number of children to whom the scheme will apply, classified according to age and mother tongue;

(c) a list of existing approved schools and the schools, if any, proposed to be opened for the purpose, classified by language in which instruction is given or proposed to be given;

(d) the number of teachers already employed and the additional staff proposed to be recruited;

(e) the recurring and non-recurring cost of the scheme; and

(f) such other particulars as may be prescribed.

(4) The State Government may, after making such enquiry as it may consider necessary, sanction with or without modifications, the scheme submitted by the local authority under sub-section (1) or sub-section (2).

9. Primary education to be compulsory in areas covered by Scheme.—(1) On receipt of sanction, under sub-section (4) of Section 8 the local authority shall give effect to the scheme so sanctions by means of a declaration that with effect from the first day of the next academic year primary education shall be compulsory in the area specified in the declaration for children ordinarily restrident in the area and within such age group and up to such class or standard as may be specified in the declaration.

(2) Every declaration under sub-section (1) shall--

(a) be published in the Official Gazette and in such other manner as the local authority may decide;

(b) be so made so to ensure that there is an interval of not less than one hundred and twenty days or such other interval as the State Government may, by notification, direct between the date of publication of the declaration and the first day of the next academic year.

10. Duty of Local Authority to prepare lists of children.--It shall be the duty of the local authority to cause to be prepared as early as possible after the publication of a declaration under Section 9 and in such manner as may be prescribed, a list of children ordinarily resident in any specified area, and the local authority shall cause the list to be revised at such intervals as may be prescribed.

11. Attendance Authorities.--(1) The local authority may appoint as it thinks fit to be attendance authorities for the purposes of this Act,and may also appoint as many persons as it considers necessary to assist the attendance authorities in the discharge of their duties.

(2) In exercise of the powers conferred by or under this Act, the attendance authority or any person appointed to assist the attendance authority may put such questions to any parent or require any parent to furnish such information, about his child as it or he considers necessary and every such parent shall be bound to answer such questions, or to furnish information, as the case may be, to the best of his knowledge or belief.

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12. Attendance Authority to notify parent of his obligation towards his child—It shall be the duty of the attendance authority to notify the parent of every child to whom the declaration under Section 9 applies that he is under an obligation to cause the child to attend an approved school with effect from the beginning of the next academic year.

13. Failure of local authority to prepare or implement scheme;—(1)If any local authority when called upon to submit a scheme under sub-section (2) of Section 8 fails so to do, or, after a scheme has been sanctioned under sub-section (4) of section 8 fails to give effect to a scheme as so sanctioned, whether wholly or in part, the State Government may, after making such enquiry as it may consider necessary and after giving an opportunity to the local authority to be heard in the matter, appoint any person to prepare the scheme or to give effect to it, as the case may be, and may direct that such part of the expenses as the State Government may determine shall be defrayed out of the funds belonging to the local authority.

(2) Where any such direction as is referred to in sub-section (1) is issued, any person who has for the time being the custody of any moneys on behalf of the local authority, either as a banker or in any other capacity, shall notwithstanding anything contained in any law for the time being in force, be bound to comply with such direction.

14. Grants-in-aid.—The State Government shall, in respect of every scheme sanctioned under sub-section (4) of Section 8 or prepared under sub-section (1) of Section 13 bear such part of the recurring cost of the scheme as it may from time to time determine.

PART. IV

OF ATTENDING APPROVED SCHOOL AND OTHER ANCILIARY MATTERS

15. Responsibility of parent to cause his child to attend School.—It shall be the duty of the parent of every child ordinarily resident in a specified area to cause the child to attend an approved school unless there be a reasonable excuse for his non-attendance within the meaning of Section 16.

16. Reasonable excuse for non-attendance.—For the purposes of this Act, any of the following circumstances shall be deemed to be a reasonable excuse for the non-attendance of a child at an approved school.—

(a) that there is no approved school within the prescribed distance from his residence;

(b) that the child is receiving instruction in some other manner which is declared to be satisfactory by the State Government or by an officer authorised by it in this behalf;

(c) that the child has already completed primary education up to the class or standard specified in the order under Section 4 or in the declaration under Section 9;

(d) that the child suffers from a physical or mental defect which prevents him from attendance;

(e) that there is any other compelling circumstance which prevents the child from attending school provided the same is certified as such by the attendance authority;

(f) such other circumstance as may be prescribed.

17. Special schools for physically or mentally deficient children.—If there is in existence a special school within the prescribed distance from the resi-

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dence of a child who is suffering from a physical or mental defect, the attendance authority may, if it is satisfied that the child is not receiving any instruction in some other manner considered by it to be satisfactory, by order, require the child to attend the special school; and it shall be the duty of the parent of such child to cause the child to attend the special school unless there be a reasonable excuse for the non-attendance of the child within the meaning of clause (e) of Section 16.

18. Special provisions for part time education in certain cases.—(1) If the attendance authority is satisfied that a child, due to economic or other circumstances connected with the family to which the child belongs, is unable to atten an approved school in the manner required by or under this Act, it may, be order and subject to such conditions, if any as it may think fit to impose, permit the child to attend any approved school established as a part-time institution or in which primary education is imparted on a part-time basis.

(2) Any parent who causes a child in respect of whom an order under sub-section (1) has been made to attend an approved school in the manner specified in the order shall be deemed to have complied with the provisions of this Act.

19. Attendance orders.—(1) Whenever the attendance authority has reason to believe that the parent of a child has failed to cause the child to attend an approved school and that there is no reasonable excuse for the non-attendence of the child within the meaning of Section 16, it shall hold an inquiry in the prescribed manner.

(2) If as a result of the inquiry the attendance authority is satisfied that the child is liable to attend an approved school under this Act and there is no reasonable excuse of his non-attendance within the meaning of Section 16, it shall pass an attendance order in the prescribed form directing the parent to cause the child to attend the approved school with effect from the date specified in the order.

(3) An attendance order passed against a parent in respect of his child under this Section shall, subject to the provisions of sub-section (6), remain in force for so long as this Act continues to apply to the child.

(4) If any parent against whom an attendance order has been passed in respect of his child under sub-section (2) transfer the custody of the child to another person during the period in which the attendance order is in force, such parent shall be bound to immediately inform the attendance authority in writing of such transfer.

(5) Where an attendance order has been passed against a parent iu respect of nis child under this Section, sueh order shall have effect in relation to every other person to whom the custody of the child may be transferred during the period in which the attendance order is in force as it has effect in relation to the person against whom it is passed.

(6) A parent may at any time apply to the attendance authority for cancellation of an attendance order, on the ground—

(i) that he is no longer the parent in respect of the child; or
(ii) that circumstances have arisen which provide a reasonable excuse for non-attendance;

and, thereupon, the attendance authority may, after holding an inquiry in the prescribed manner. cancel or modify the attendance order.

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20. Children not to be employed so as to prevent them from attending School.—No person shall employ a child in a manner which shall prevent the child from attending an approved school.

21. Leave of absence.—Such authority as may be prescribed may grant leave of absence to any child.

PART V

OFFENCE AND PENALTIES

22. Penalty for contravention of Section 19.—(1) If any parent fails to comply with an attendance order passed under Section 19, he shall be punishable with fine not exceeding two rupees, and in the case of a continuing contravention with an additional fine not exceeding fifty naye paise for every day during which such contravention continues after conviction for the first of such contravention:

Provided that the amount of fine payable by any one person in respect of any child in any one year shall not exceed fifty rupees.

(2) If any person fails to furnish any information as required by sub-section (4) of Section 19, he shall be punishable with fine which may extend to twenty-five rupees.

COMMENTARY

1. Procedure and Punishment.—This Section may be read with Sections 24 and 25 of this Act. Section 24 of this Act deals with the provisions relating to Courts who will try offences under this Act, and Section 25 deals with the cognizance of offence.

23. Penalty for contravention of Section 20.—If any person contravenes the provisions of Section 20, he shall be punishable with fine which may extend to twenty-five rupees, and in the case of a continuing contravention, with an additional fine not exceeding one rupee for every day during which such contravention continues after conviction for the first of such controventions.

24. Courts who will try offences under the Act.—(1) In Section "Panchayat Law" means a law for the time being in force for the organisation and administration of Panchayats as units of Local Government in rural areas in the whole of the State or any part thereof.

(2) The Courts competent to try offences under this Act shall be the following:--

(a) in rural areas to which the Panchayat law extends the Nyaya Panchayts constituted under that law within whose jurisdiction the offence was committed;

(b) in other areas, the Court of a Magistrate having jurisdiction.

(3) Any offence triable by the Nyaya Panchayat shall be tried in the manner provided for the trial of criminal cases by the Panchayat law, and any offence triable by a Magistrate shall be tried in a summary way.

25. Cognizance of offences.—No Court shall take cognizance of an offence under this Act except on the complaint of an attendance authority or any other person authorised in this behalf by the State Government or local authority, as the case may be, by general or special order.

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PART. VI.

MISCELLANEOUS.

26. Primary Education to be free.-- (1) No fee shall be levied in respect of any child for attending an approved School which is under the management of the State Government or a local authority.

(2) Where in respect of any child an attendance order has been passed under Section 19 and the only school which he can attend is an approved school under private management falling within sub-clause (ii) of clause (b) of Section 2, the State Government or the local authority, ay the case may be, shall take such steps as it may think fit for the purpose of ensuring that the primary education which the child is to receive is free.

27. Age of child how to be computed.—The age of a child for the purpose of this Act shall be computed in terms of years completed by the child on or before the first day of the academic year:

Provided that where the birthday of a child falls on a day not later than sixty days from the first day of the academic year, the birthday shall be deemed to fall on the first day of the academic year for the purpose of computing the age of the child.

28. Certain persons to be public servants.—The attendance authority, every person appointed to assist the attendance authority and every person authorised to make complaints under Section 25 shall be deemed to be public servants within the meaning of Section 21 of the Indian Penal Code 1860, (Act XIV of 1860.)

29. Protection of action taken in good faith.—No suit, prosecution or other legal proceeding shall lie against the Government or any authority or person in respect of anything which is in good faith done under this Act.

30. Power of exemption.--If the State Government is satisfied that it is necessary or expedient so to do in the public interest or that circumstances exist which render it necessary so to do, it may, by notification,exempt any institution, or any class of persons or any community in any specified area from the operation of all or any of the provisions of this Act.

31. Delegation of powers.—(1) The State Government may, by notification and subject to such conditions, if any, as may be specified in the notification, authorise any officer or authority subordinate to it to exercise all or any of the powers conferred on the State Government by or under this Act.

(2) A local authority may, by general or special order and with the previous approval of the State Government authorise any officer or authority subordinate to it to exercise all or any of the powers conferred on a local authority by or under this Act.

32. Power to mrke Ruules.—(1) The State Government may, by notification and subject to the conditions of previous publication, make Rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such Rules may provide for all or any of the following matters, namely:—

(a) the class or standard, education up to which, shall be considered as primary education;

(b) the particulars to be contained in any scheme submitted under this Act including particulars relating to the provision made or to be made in any area for the establishment of special schools or of schools imparting primary education on a part-time basis or for the supply of

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food or refreshments, books writing materials, uniforms of other necessary amenities to children, while attending school;

(c) the manner in which lists of children may be prepared in any specified area under Sections 5 and 10, the intervals at which the lists shall be kept revised and persons with whose assistance such lists shall be prepared;

(d) the functions to be performed, and the manner in which such functions may be performed, by attendance authorities;

(e) the distance beyond which a child may not be compelled to attend an approved school;

(f) the circumstances which may be regarded as reasonable excuses for the non-attendance of a child within the meaning of Section 16;

(g) the manner in which any inquiry under this Act may be held;

(h) the form in which an attendance order under this Act may be passed;

(i) the registers, statements and other information to be maintained or furnished by approved schools for the purposes of this Act;

(j) any other matter which has to be, as may be prescribed under this Act.

(3) Every Rule made under this Section shall be laid on the table of the Legislative Assembly.

33. Repeal and Saving.—(1) The Madhya Pradesh Primary Education Act, 1956 (XXIII of 1956), the Madhya Bharat Compulsory Primary Education Act, Samvat 2006, the Vindhya Pradesh Primary Education Act, 1952, (IV of 1952) and the Bhopal State Compulsory Primary Education Act, 1956, (XI of 1956) and any other law, if any, relating to primary education in force in any of regions of the State of Madhya Pradesh are hereby repealed.

(2) Notwithstanding such repeal under sub-section (I)any order or schemee made by, any notification issued, anything done, any action taken or any proceedings commenced in exercise of the powers conferred by or under the enactments hereby repealed shall be deemed to have been made, issued, done, taken or commenced in exercise of the powers conferred by or under this Act.

THE CENTRAL PROVINCES AND BERAR VIDYA MANDIR ACT, 1939

[Central Provinces and Berar Act No. III of 1940]

[Received the assent of the Governor on the 7th March, 1940; assent first published in the "Central Provinces and Berar Gazette" on the 15th March, 1940.]

An Act to make provision for the establishment of Vidya Mandirs, the Constitution of Committees for their management and the incorporation of such Committees.

Prembla Whereas it is expedient to make provision for establishment of Vidya Mandirs and Madina-tul-ilms, the Constitution of Committees for their management and the incorporation of such Committees;

It Is hereby enacted as follows:—

PART I

1. Short title, extent and commencement.— (1) This Act may be cited as **the Central Provinces and Berar Vidya Mandir Act, 1939**

(2) It extends to the whole of Madhya Pradesh,

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(3) It shall come into force on such date [1]as the State Government may by notification, direct.

COMMENTS

1. **Statement of Objects and Reasons.**— The Statement of objects and Reasons were published in the Central Provinces and Berar Gazette on the 28th day of July, 1939 at page 236.

2. **Report of the Select Committee.**—The report of the Select Committee was published in the Central Provinces and Berar Gazette dated the 27th of October, 1939, Part II at pages 335 and 336. The proceedings in Assembly were published in the Central Provinces and Berar Legislative Assembly Proceedings, Vol. VI of 1939 at pages 779 to 798 and Vol. VII of 1939 at pages 3 to 46 and pages 62 to 92.

3. **Preamble.**—The preamble of this Act says that it is an Act to make provision for the establishment of Vidya Mandirs, the constitution of Committees for their management and the incorporation of such committees.

4. **Commencement.**—The Act came in force on the 1st day of August, 1941 vide Education Department Notification No. 705-A-Acd-5, of the 7th day of July, 1941 published in the Central Provinces ond Berar Gazette part I, page 510 on the 11th day of July, 1941.

2. **Definitions.**—In this Act, unless there is anything repugnant in the subject or context:--

(a) "Managing Committee" means the Managing Committee of a Vidya Mandir constituted under Section 4;
(b) "Prescribed" means prescribed by Rules made under this Act;
(c) "Vidya Mandir" means an Educational Institution established or deemed to be established under Part 1 for the spread of literacy in a village or group of villages.

3. **Establishnment of Vidya Mandir.**—(1) When the State Government is satisfied that land of such extent as in its opinion is sufficient for the maintenance of a Vidya Mandir, is offered for transfer as a gift, it may, by notification, establish a Vidya Mandir at the village in which such land or a major portion thereof is situate and shall specify in such notification the village or villages for which it has been established.

(2) The State Government may notify in Gazette a list of Vidya Mandirs, which may have been established by it before the commencement of this Act, and all Vidya Mandirs specified in such list shall be deemed to be Vidya Mandirs established under this Act.

(3) A Vidya Mandir established under sub-section (1) or notified under sub-section (2) shall not commence to function under this Act until a deed of gift of the land offered for its maintenance has been duly executed in favour of the managing committee constituted for such Vidya Mandir under Section 4.

4. **Constitution of Managing Committee.**—(1) For every Vidya Mandir there shall be a Managing Committee which shall consist of eleven members as follows;
(a) the District Inspector or Assistant District Inspector of Schools in charge of range in which the Vidya Mandir is situated;
(b) the Agricultural Assistant in charge of the tahsil in which the Vidya Mandir is situated;
(c) the teacher in charge of Vidya Mandir;

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1. This Act came in force on the 1st day of August, 1941.

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(d) the donor who has offered land under sub-section (1) of Section 5, or if there are several donors, any of them nominated by the State Government, or, if the donor is dead, his legal representative or any one of the legal representative nominated by the State Government, or if the donor is a co-operative society, any of its office-bearers nominted by the Society;

(e) five members elected on the basis of adult franchise from among themselves by person residing in the village or villages for which the Vidya Mandir is established:

Provided that if in such village or villages there is a village Panchayat established under Central Provinces and Berar Village Panchayat Act, 1920 (C.P. Act V of 1920) [1](.....) such members shall be elected by the village Panchayats from among its or their own members;

(f) two members co-opted by the members elected under clause (e) from among persons residing in the village or villages for which the Vidya Mandir is established.

(2) There shall be appointed by the State Government on the first Managing Committee of every Vidya Mandir seven members from among persons residing in the village or villages for which the Vidya Mandir is established and the persons so appointed shall be deemed to be members of the committee for the purposes of clause (e) and (f) of subsection (I) for such period as the State Government may direct.

(3) Anything done or any proceedings taken under this Act shall not be questioned on account of any vacancy in the managing committee or on account of any defect or irregularity not affecting the merits of the case.

5. Provisions for incompetence or default of Committee.—(1) If in the opinion of the State Government the managing committee of any Vidya Mandir is incompetent to perform its duties or has failed to perform them satisfactorily, it may remove the members elected and co-opted under clauses (e) and (f) of subsection (I) of Section 3, and order that a fresh election and co-option shall take place within such time as may be specified in such order.

(2) Until members are elected and co-opted in accordance with any order made under sub-section (1), the members referred to in clauses (a), (b), (c) and (d) of sub-section (I), of Section 4 shall exercise all the powers and perform all the duties of the Committee.

[2][**5-A. Power to take over the management of land.**—(1) If the State Government is of opinion that any land gifted to the managing committee of a Vidya Mandir should for the purpose of efficient cultivation be managed by it and not by the managing committee it may, by an order in writing, exclude the managing committee from the control of such land for a period to be specified in the order and take over its management.

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1. The words "or the same Act as applied to Berar", were omitted by the Central Provinces and Berar Act XV of 1941. Pleasse see also the Central and Berar Local Government Act, 1948 (C. P. & Berar Act No. XXXVIII of 1948)

2. Section 5-A of this Act was inserted by the C. P. & Berar Act No. XI of 1941. The said Act came in force on the 1st day of August, 1941 vide Education Department Notification No. 705-A-Acd-5 dated the 7th day of July published in the Central Provinces and Berar Gazette dated the 11th of July, 1941 at page 510 in Part. I.

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(2) Where the State Government takes over the management of land under sub-section (1), it shall pay to the managing committee the net income from the land to be cultivated in such manner as may be prescribed.]

6. Incorporation of managing committee.—(1) The Managing Committee of every Vidya Mandir shall be a body corporate and shall have perpetual succession and a common seal with power to acquire and hold property, both movable and immovable, and subject to such conditions as may be prescribed to lease, sell or otherwise transfer any such property held by it, and contract and to do all other things necessary for the purpose of this Act, and may sue and be sued in its corporate name.

(2) The managing committee shall hold all property in trust for the benefit of the Vidya Mandir.

7. Vidya Mandir Fund.—(1) There shall be a Vidya Mandir Fund which shall uest in the managing committee and the following moneys shall be placed to the credit thereof:—

(a) the receipts, in cash or kind, from all land held by the committee;

(b) grants-in-aid paid by Government;

(c) donations, in cash or kind, made by local authorities and private persons or associations;

(d) such other receipt as may be prescribed.

(2) This fund shall be applied to purposes which are for the benefit of the Vidya Mandir.

8. Gifts of land by co-operative Societies.—Notwithstanding anything contained in the Co-operative Secieties Act, 1912, [1][.....] a Society registered under that Act may, with the previous sanction of the Registrar appointed under Section 3 of that Act make gifts of land to the managing committee of any Vidya Mandir established or deemed to be established under this Act.

9. Dis-establishment of Vidya Mandir.—The State Covernment dis-establish a Vidya Mandir and on such dis-establishment the property and fund belonging to such Vidya Mandir shall be disposed of in such manner as may be prescribed.

10. Power to make Rules.—(1) The State Government may make Rules consistent with this Act, for carrying out the purpose and objects thereof.

(2) In particular and without prejudice to the generality of the foregoing power, such Rules may provide for or regulate—

(i) the election and co-option of members of managing committee, the mode and time of such election and co-option, the preparation time to time, and the term of office of such members;

(ii) the qualifications and disqualifications of electors and the candidates for election;

(iii) the election of chairmen and Vice-Chairman of managing committees, their powers, duties and term of office;

(iv) the filling of casual vacancies in the office of members or in the office of Chairman or Vice-Chairman of managing committee:

(v) the removal of the members of managing committees under sub-section (1) of Section 5;

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1. The words "or the same Act, as applied in Berar" were omitted by Section 2 of the Central Provinces and Berar Act No. XV of 1941.

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(vi) the power to be exercised and the duties to be performed by managing committees;

(vii) the appointment of secretaries and servants by managing committees;

(viii) the form in which gifts of land shall be made in favour of managing committees under sub-section (I) of Section 3;

[1][(viii-a) the manner in which the net income from the land payable to the managing committee under sub-section (2) of Section 5-A shall be calculated;]

(ix) the transfer of any movable or immovable property by managing committees under sub-section (I) of Section 6;

(x) the description of receipts that may be credited to the Vidya Mandir fund under clause (d) of sub-section (I) of Section 7;

(xi) the preparation of plans and estimates for work constructed partly or wholly at the expense of managing committees, and the grant of sanction to such plans and estimates;

(xii) the form in which the accounts of the Vidya Mandir fund shall be kept and the manner in which they shall be audited;

(xiii) the custody and investment of Vidya Mandir Fund;

(xiv) the preparation of an annual budget and its submission for sanction; and the reports and returns which shall be furnished by managing committees;

(xv) the supervision, inspection and control of Vidya Mandirs; and

(xvi) the disposal of the property and fund belonging to a Vidya Mandir when it is dis-established under Section 9.

PART II

11. Application for applying Part I to Vidya Mandirs and other similar institutions.—(1) Any person or local authority or society registered under the Societies Registration Act, 1860, [2][.....] may make an application to the State Government for applying the Provisions of Part I to any educationali nstitution bearing the name of Vidya Mandir or *Madina-tul-Ilm* or any other similar name, which is established by the applicant and the objects of which are similar to the objects of a Vidya Mandir established under Part I.

(2) The State Government on receiving the application may require the applicant to furnish, within a time to be specified by it, such information as it may deem necessary.

12. Application of Part I to institutions on application under Section II.—(I) On receipt of the information, if any, State Government may, sanction the application made under Section 11, or refuse to sanction it.

(2) If the State Government sanctions the application, it may direct, by notification, that the provisions of Part I, shall, with effect from such date as may be specified, apply to the institution in respect of which the application was made subject to such modifications and adaptations as it may think fit:

Provided that in the case of a registered society, the provisions so applied are not inconsistent with the Rules and Regulations of such Society.

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1. Added by C. P. & Berar Act, XV of 1941.
2. The words "or the same Act as applied to Berar" were omitted by the Central Provinces and Berar Act XV of 1941, Section 2.

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13. Application of Part I to Institutions established by Government.--The State Government may notify in the Gazette a list of educational institutions bearing the name of Madina-tul-Ilm or any other similar name, which are established by it before or after the commencement of this Act and the objects of which are similar to the objects of a Vidya Mandir established under Section 3, and the provisions of Part I shall thereupon apply, in so far as thay may be applicable, to the institutitons so notified.

14. Amendment of Section 3 of Act XXI of 1860 :—To Section 3 of the Societies Registration Act 1860 [1][.....] the following proviso shall be deemed to be added, namely :—

"Provided that no such fee shall be payable for the registration of a society formed with the object of running an educational institution whose objects are similar to the objects of a Vidya Mandir established under Part I of the Central Provinces and Berar Vidya Mandir Act, 1939".

THE MADHYA PRADESH SOCIETIES REGISTRATION ACT, 1959

(Madhya Pradesh Act No. I of 1960.)

[Received the assent of the Governor on the 21st December, 1959; assent first published in the Madhya Pradesh Gazette, on the 1st January, 1960.]

An Act to consolidate and amend the law relating to the Registration of Literary, Scientific and Charitable Societies in Madhy Pradesh;

Be it enacted by the Madhya Pradesh Legislature in the Tenth Year of the Republic of India as follows:—

1. Short title, extent and commencement.—(1) This Act may be called the **Madhya Pradesh Societies Registration Act, 1959.**

(2) It extends to the whole of Madhya Pradesh.

(3) It shall come into force on such date as the State Government may, by notification, appoint in this behalf.

COMMENTARY

1. Statement of Objects and Reasons.—The Statement of Objects and Reasons were published in the Madhya Pradesh Gazette (Extraordinary) dated the 25th day of April, 1959.

The proceedings in the assembly were published in the Madhya Pradesh Vidhan Sabha Proceedings, 1959 Volume VI. at page 99-104, and at pages 187 to 201.

2. Commencement.—This Act came into force on the 15th day of August, 1961 vide the Government of Madhya Pradesh, Commerce and Industries Department Notificution No. 10971-2729-XI-13, dated the 21st day of July, 1961, published in the Madhya Pradesh Gazette at pages 1274 in Part I on the 4th of August, 1961.

3. Preamble.—The preamble of this Act says that it is an Act to consolidate and amend the law relating to the registration of literary, scientific and charitable societies in Madhya Pradesh.

This Act received the assent of the Governor of Madhya Pradesh on the 31st day of December, 1959 and it was first published in the Madhya Pradesh Gazette of the Ist day of Jaauary, 1960.

2. Definitions.—In this Act, unless the contect otherwise requires—

1. The words "or the same Act as applied to Berar" were omitted by the Central Provinces and Berar Act, XV of 1941.

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(a) "Registrar" means the Registrar of Societies appointed under sub-Section (1) of Section 3 and includes an Assistant Registrar of Societies appointed under sub-section (2) of the said Section when exercising or performing all or any of the powers or duties of the Registrar;

(b) "Registered Society" means a Society registered under this Act;

(c) "Regulations of a Society" means registered Regulation for the time being in force.

3. Registrar of Societies and Assistant Registrars.— (1) The State Government may, by notification, appoint a person to be called the Registrar of Societies who shall exercise such powers and shall perform such duties and functions as are conferred by or under the provisions of this Act and shall subject to such general or special orders as the State Government may make, superintend the administration and carry out the provisions of this Act throughout the State.

(2) The State Government may also by like notification appoint persons to be called Assistant Registrars of Societies for such areas as may be specified in the notification and empower them to exercise powers and to perform duties under all or such provisions of this Act as may be specified in the notification.

4. Societies formed by memorandum of Association and Registration.—Any seven or more persons associated for any literary, scientific or charitable purpose or for any purpose as is described in Section 31 may, by subscribing their names to a memorandum of Association and filling the same with the Registrar, form themselves into a Society under this Act.

5. Requirements with respect to memorandum of Association.— (1) The memorandum of Association of every society shall state—

(a) the name of the society;

(b) the object of the society;

(c) the location of the head office of the Society;

(d) the names, addresses and occupations of the governors, council, directors, committee or other governing body to whom by the Regulations of the Society the management of its affairs is entrusted.

(2) A copy of the Regulations of the society, certified to be a correct copy by not less than three of the members of the governing body shall be filed with the Memorandum of Association.

(3) The persons by whom or on whose behalf such memorandum is submitted shall furnish such further information in regard to the Society as the Registrar may require.

6. Registration.—(1) If the Registrar is satisfied that a Society has complied with the provisions of this Act and the Rules made thereunder and that its proposed Regulations are not contrary to the said provisions, he shall register the Society and its Regulations on payment of such fee as may be prescribed and shall issue a certificate of Registration.

(2) A Society registered before the commencement of this Act under any of the enactments repealed under Section 35 shall be deemend to have been registered under this Act.

7. Evidence of Registration.—A certificate of Registration signed by the Registrar shall be conclusive evidence that the Society therein mentioned is duly registered unless it is proved that the registration of the Society has been cancelled.

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8. Regulation of Society.— The Regulations of a Society may provide for—

(i) the conditions of admission of members;

(ii) the liability of membrs to fines and forfeitures under certain circumstances;

(iii) the consequences of non-payment of any subscription or fine, the resignation and expulsion of members;

(iv) the appointment and removal of trustees and their powers;

(v) the manner of appointing and removing the governing body and the powers of such body;

(vi) the time and place of annual meeting and other meetings of the Society;

(vii) the manner in which notice of such meeting may be given;

(viii) the quorum necessary for the transaction of business at meetings of the society;

(ix) the manner of making, altering and rescinding Regulations;

(x) the investment of funds, keeping of accounts and for an annual or periodical audit of accounts;

(xi) the manner of dissolving the society;

(xii) the determination after dissolution that property be utilised by Government according to Section 27;

(xiii) matters to be provided by bye-laws and the manner in which they shall be made; and

(xiv) such other matters as may be thought expedient, having regard to the nature and objects of the society.

9. Amendments of Regulations or byelaws of Registered Society :—(1) No amendment of the Regulations of a Registered Society shall be valid until the amendment has been registered under this Act.

(2) Every proposal for such amendment shall be forwarded to the Registrar and if the Registrar is satisfied that the amendment is not contrary to this Act or to the Rules made thereunder, he may, if he thinks fit, register the amendment.

(3) Where an amendment is registered under sub-section (2), the Registrar shall issue to the Society on payment of a fee specified in Section 30 a copy of the amendment certified by him, which shall be conclusive evidence that the same is duly registered.

10. Change of name of Society.—Subject to the provisions of Section 11, any registered Society may, with the consent of not less than two-thirds of the total number of its members by a resolution at a general meeting convened for the purpose, change its name.

11. Notice of change of name.—(1) A copy of the resolution passed under Section 10 shall be sent to the Registrar.

(2) If the proposed name is identical with or too nearly resembles the name by which any Society in existence has been previously registered under this Act or under any of the enactment repealed under Section 35 or in the opinion of the Registrar the proposed name is likely to mislead the public, the Registrar shall refuse to register the change of name.

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(3) If the Registrar is satisfied that the provisions of this Act in respect of change of name have been complied with and that the proposed name is not undesirable on any of the grounds specified in sub-section (2), he shall enter the new name on the Register in place of the former one and issue a certificate of registration with necessary alterations embodied therein, and the change of name shall be completed and be effective only on the issue of such a certificate.

(4) The Registrar shall also make the necessary alteration in the memorandum of association of the Society.

(5) The Registrar shall charge a fee of Rupee one for any copy of certificate issued under sub-section (3), and all fees so paid shall be accounted for to the State Government.

12. Effect of change of name.—The charge in the name of a Society shall not affect any rights or obligations of either the members who were admitted prior to the change or of the Society or render defective any leagl proceeding by or against the Society.

13. Annual list of managing body to be filed.—Once in every year a list of the full names, permanent addresses and chief occupations and others, if any, of the governors, council, directors, committee or other governing body then entrusted with the management of the affairs of the Society shall be filed with the Registrar by the President, Secretary or any other person authorised in this behalf by the governing body of the Society:

Provided that the Registrar may, for the reasons to be recorded in writing grant further time not exceeding thirty days for the compliance of this Section.

14. Penalty for non-compliance of Section 13 or making false entry.—(1) If the President, Secretary or any other person authorised in this behalf by a resolution of the governing body of the Society fails to comply wtth the provisions of Section 13 he shall, on conviction, be punishable with fine which may extend to five hundred rupees and in case of continuing breach, shall also be punishable with fine not exceeding fifty rupees for each day during the period the breach continues after first conviction for such offence.

(2) If any person wilfully makes or causes to be made any false entry in or any omission from, the list required by Section 13 or in or from any statement or copy of Rules or alterations in Rules sent to the Registrar he shall on conviction, be punishable with fine which may extend to two thousand rupees.

15. Cognizance of Offenc.—(1) No Court inferior to that of a Magistrate of the First Class shall try an offence punishable under this Act.

(2) No Court shall take cognizance of an offence punishable under this Act except upon complaint made by the Registrar or any other person, authorised in writing by him in this behalf.

16. Property of Society, how vested.—The property movable and immovable, belonging to a Society registered under this Act, if not vested in trustees, shall be deemed to be vested for the time being in the governing body of such Society and in all proceedings civil and criminal, may be described as the property of the governing body of such Society by their proper title.

17. Suit by and against Societies.—Every Society registered under this Act may sue or be sued in the name of the President, Chairman or principal Secretary or the Trustees, as shall be determined by the Regulations of the Society and in default of such determination, in the name of such person as shall be appointed by the governing body for the occasion:

Provided that it shall be competent for any person having a claim or demand against the Society to sue the President or Chairman or Principal Secretary or

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the trustees thereof, if on application to the governing body some other officer or person be not nominated to be the defendant.

18. Suit not to abate.—No suit or proceedings in any Civil Court shall abate or discontinue by reason of the person by or against whom such suit or proceedings shall have been brought or continued, dying or ceasing to fill the character in the name whereof he shall have sued or been sued, but the same suit or proceedings shall be continued in the name of or against the successor of such person.

19. Enforcement of Judgment against Society.—(1) If a judgment shall be obtained against the person or officer named on behalf of the Society such judgment shall not be enforced against the property, movable or immovable, or against the body of such person or officer, but against the property of the Society.

(2) The application for execution shall set forth the judgment, the fact of the party against whom it shall have been obtained, having sued or having been sued, as the case may be, on behalf of the Seciety only, and shall require to have the judgment enforced against the property of the Society.

20. Recovery of penalty accruing under byelaw.—Whenever by any byelaw duly made in accordance with the Regulations of the Society any pecuniary penalty is imposed for the breaeh of the Regulations or byelaw of the Society such penalty, when accrued, may be recovered in any Court having jurisdiction where the defendant shall reside, or the Society shall be situate, as the governing body thereof shall deem expedient.

21. Members liable to be sued as strangers.—(1) Any member of a registered Society who may be in arrear of a subscription which according to the Regulations of the Society he is bound to pay or who shall possess himself of or detain any property of the Society in a manner or for a time contrary to such Regulations or shall injure or destroy any property of the Society, may be sued for such arrear or for the damage accruing from such detention, injury or destruction of property in the manner hereinbefore provided.

(2) If the defendant shall be successful in any suit or other proceeding brought against him at the instance of the Society, and shall be adjudged to recover his costs, he may elect to proceed to recover the same from the officer in whose name, the suit shall be brought, or from the Society and in the latter case shall have process against the property of the said Society in the manner above described.

22. Members guilty of offences punishable as strangers.—Any member of the Society, who shall steal, purloin or embezzle any money or other property or wilfully and maliciously destroy and injure any property of such Society or shall forge any deed, bond, security for money receipt or other instrument, whereby the funds of the society may be exposed to loss shall be subject to the same prosecution and, if convicted, shall be liable to be punished in like manner as any person other than a member would be subject and liable to in respect of the like offence.

23. Societies enable to alter, extend or abridge their purposes.—Whenever it shall appear to the governing body of any registered Societies, which has been established for any particular purpose or purposes that it is advisable to alter, extend or abridge such purpose to or for other purposes within the meaning of the Aet, or to amalgamate such Society either wholly or partially with any other Society in a written or printed report, and may convene a special meeting for the consideration thereof according to the Regulations of the Society:

Provided that no such proposition shall be carried into effect unless such report shall have been delivered or sent by post to every member of the Society

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ten days previous to the special meeting convened by the governing body for the consideration thereof, and unless such proposition shall have been agreed to by the votes of three fifths of the members delivered in person or by proxy and confirmed by the votes of three-fifths of the members present at a second special meeting convened by the governing body at an interval of one month after the former meeting.

24. Audit and inspection.—(1) At the end of every year a registered Society shall send the statements of income and expenditure with full particulars duly audited by its auditors to the Registrar. On receipt of such statements the Registrar shall verify these statements with a view to see whether the funds have been utilised for the promotion of the Society and its objects and he may issue such instructions to the Society in this connection, as he may think fit.

(2) If the Registrar thinks necessary to undertake a special audit he may audit or cause to be audited by some person authorised by him by general or special order in writing in this behalf the accounts of any registered Society.

(3) Any person authorised by general or special order in writing in this behalf by the Registrar shall at all time have access to all the books of accounts and other persons of a Society and every officer of the Society shall furnish such information in regard to the accounts and working of the Society as the person making such inspection may require.

25. Provision for dissolution of Societies and adjustment of their affairs.—Any number not less than three-fifths of the members of any Society may determine that it shall be dissolved and thereupon it shall be dissoloved forthwith, or at the time when agreed upon, and all necessary steps shall be taken for the disposal and settlement of the property of Socicty, its claims and liabilities according to the Regulations of the said Society applicable thereto, if any, and if not, then as the governing body shall find expedient:

Provided that, in the event of any dispute arising among the said governing body or the members of the Society, the adjustment of its affairs shall be referred to the principal Court of original civil jurisdiction of the district in which the chief building of the Society is situated, and the Court shall make such order in the matter as it shall deem fit:

Provided further that no Society shall be dissolved unless three-fifths of the members shall have expressed a wish for such dissolution by their votes delivered in person, or by proxy, at a general meeting convened for the purpose:

Provided also that whenever the Government is a member of, or a contributor to, or otherwise interested in, any Society registered under this Act, such Society shall not be dissolved without the consent of the Government.

26. Upon dissolution no member to receive profit.—If upon the dissolution of any registered Society, there shall remain after the satisfaction of all its debts and liabilities any property whatsoever, the same shall not be paid or distributed among the members of the said Society or any of them but shall be given to some other Society, to be determined by the votes of not less than three-fifths of the members presnt personally or by proxy at the time of the dissolution or in default thereof by the Court specified in Section 25:

Provided, however, that this Section shall not apply to any Society which shall have been founded or established by the contributions of shareholders in the nature of a Joint Stock Company.

27. Determination after dissolution that property be utilised by Government.—Notwithstanding anything contained in Section 26, it shall be lawful for the member of any Society dissolved under Section 25 to determine by majority of

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votes of the members present personally or by proxy at the time of dissolution of such Society that any property whatsoever remaining after satisfaction of all its debts and liabilities shall be given to Government to be utilised for any of the purposes referred to in Section 4 of this Act.

28. Member defined.—For the purposes of this Act a member of a Society shall be a person who having been admitted therein according to the Regulations thereof, shall have paid a subscription, or shall have signed the roll or list of members thereof and have resigned in accordance with such Regulations; but in all proceedings under this Act no person shall be entitled to vote or be counted as a member whose subscription at the time shall have been in arrear for a period exceeding three months.

29. Governing body defined.—The governing body of the Society shall be the governors, council, directors, committee, trustees, or other body to whom by the Regulations of the Society management of its affairs is entrusted.

30. Inspection of documents.—Any person may inspect all or any of the documents filed with the Registrar under this Act on payment of a fee of one rupee for each inspection; and any person may require a copy or extract of any document, to be certified by the Registrar on payment of fifteen naye paise for every hundred words of such copy or extract; and such certified copy shall be *prima facie* evidence of matters therein contained in all legal proceedings whatsoever.

31. To what Societies Act applies :—The following Societies may be registered under the Act; charitable Societies; the military orphan funds or Societies established for the promotion of science, literature or the fine arts for instruction, the diffusion of useful knowledge, the diffusion of political education. the foundation or maintenance of libraries or reading-rooms for general use among the members or open to the public or public museums and gallaries of paintings and other works of art, collections of natural history, mechanical and philosphical inventions, instruments, or designs.

32 Power of Registrar to make enquiries and investigation.—The Registrar may, in his discretion, institute such enquiry or make such investigations in respect of any matter as may, in his opinion, be necessary for the proper performance of his duties and the administration of the Act for the settlement of any dispute arising with respect to any registered Society.

33. Pending proceedings and construction of references to Registrar of Companies in instruments issued or made befor this Act.—(1) All proceedings under the Societies Registration Act, 1860 (XXI of 1860) and the Madhya Bharat Societies Registration Act, Samvat 2007, (53 of 1950), pending before the Registrar of Companies or the Registrar of Joint Stock Companies, as the case may be, at the date of the commencement of this Act shall stand transferred to the Registrar of Socieities and any such proceeding shall be continued and disposed of by the Registrar or by such Assistant Registrar of Societies as the Registrar of Societies may direct, as if it had been originally instituted before such Registrar or Assistant Registrar, as the case may be, under this Act.

(2) In all certificates of registration and in all Rules, Regulations and byelaws of Societies and all other instruments, issued or made under the Societies Registration Act, 1860 (XXI of 1860) or the Madhya Bharat Societies Registration Act, Samvat, 2007 (53 of 1950), before the commencement of this Act any reference to the Registrar of Joint Stock Companies or the Registrar of Companies shall be deemed to be and be construed as a reference to the Registrar of Societies.

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34. Power to make Rules.—The State Government may make Rules to carry out the purposes of this Act.

35. Repeal and Saving.—(1) As from the commencement of this Act, the Societies Registration Act, 1860 (XXI of 1860) in its application to Mahakoshal Vindhya Pradesh and Bhopal Regions, the Rajasthan Adaptation of Central Laws Ordinance, 1950 (IV of 1950) so far as it relates to the Societies Registration Act, 1860 (XXI of 1860), in its application to Sironj region and the Madhya Bharat Societies Registration Act, Samvat 2007, (53 of 1950) shall stand repealed.

(2) Notwithstanding such repeal anything done or any action taken or deemed to have been taken in exercise of the powers conferred by or under the Acts or Ordinance so repealed shall in so far as it is not inconsistent with the express provisions of this Act, be deemed to have been done or taken in exercise of the powers conferred by or under this Act.

THE MADHYA PRADESH SOCIETIES REGISTRATION RULES, 1961.

No. 10972-2729-XI-B.-In exercise of the powers conferred by Section 34 of the Madya Pradesh Socities Registration Act, 1959 (Act No. I of 1960), the State Government hereby makes the following Rules, namely:—

1. Short title.—These Rules may be called the **Madhya Pradesh Societies Registration Rules, 1961.**

2. Definitions.—In these Rules, unless the context otherwise requires—

(a) "Act" means the Madhya Pradesh Societies Registration Act, 1959 (Act No. 1 of 1960);

(b) "Form" means a Form appended to these Rules;

(c) "Society" means a Society to which the Act applies.

3. Memorandum of Association.—Every memorandum of association for the registration of a Society to be filed under Section 4 of that Act shall be in Form 1 or in a Form as near thereto as circumstances admit.

4. Fec for the registration of a Society and its Regulations.—The fee for registration of the Society and its Regulations under sub-section (1) of Section 6 of the Act shall be fifty rupees.

5. Certificate of Registration.—The certificate of registration to be issued by the Registrar under sub-section (1) of Section 6 of the Act shall be in Form 11.

6. Maintenance of the Register.—There shall be kept by the Registrar, a register containing the names of the Societies registered under the Act in Form III.

7. Change of name of Society.—Whenever any change of name of a registered Society is proposed, such Society shall also return to the Registrar its certificate of registration and on receipt of such certificate, the Registrar shall issue a certificate in Form IV with necessary alterations embodied therin.

FORM I

(See Rule 3.)

MEMORANDUM OF ASSOCIATION FOR REGISTRATION OF SOCIETIES

1. The name of the Society shall be.....

2. The head office of the Society will be situated at .....in Tahsil of the.....district.

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3. The objects of the Society shall be be under:—

(1).....
(2).....
(3).....
(4).....

4. The management of the affairs of the Society is entrusted by the Regulations of the Society to the *governors, council, directors, committee or governing body, whose names, addresses and occupations are specifiede blow:—

Serial No.	Name.	Address.	Occupation.
(1)	(2)	(3)	(4)
1.			
2.			
3.			
4.			
5.			

* Strike out whichever is not required.

5. One copy of the Regulations of the Society duly certified as required by sub-section (2) of Section 5 of the Madhya Pradesh Societies Registration Act, 1959, (Act No. I of 1960) is filed with this Memorandum of Association.

We, the several persons whose names and addresses are subscribed below are desirous of forming a Society in pursuance of the aforesaid Memorandum of Association and have signed the Memorandum in the presence of the witnesses as shown below:—

Serial No.	Names and addresses of the Subscribers.	Names and address of the Witnesses.
(1)	(2)	(3)
1.		
2.		
3.		
4.		
5.		
6.		
7.		

Dated.. .....

To

The Registrar of Societies.
.....
.....

FORM II

[See Rule 5.]

GOVERNMENT OF MADHYA PRADESH

Certificate of Registration of the Society.

No.....

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This is to certify that the.....
.....
Society located at.....
in the.....Tahsil of the.....
district has been registered under the Madhya Pradesh Societies Registration Act, 1959 (Act No. I of 1960) on the.....day of.....
19..

Seal.

Registrar of Societies.

FORM III

[See Rule 6.]

REGISTER OF SOCIETIES REGISTERED UNDER THE MADHYA PRADESH SOCIETIES REGISTRATION ACT, 1959 (No. I of 1960)

Serial No.	Name and address of the Society.	Date of filing the Memorandum of Association.	Date of Registration.	Names and addresses of persons filing the Memorandum of Association.
(1)	(2)	(3)	(4)	(5)

No. and date of the resolution for the change of name of the Society.	No. and date of proposal for the amendments in the Regulations of the Society and the date of Registration of amendments.	Signature of the Registrar.	Remarks.
(6)	(7)	(8)	(9)

FORM IV

[See Rule 7.]

GOVERNMENT OF MADHYA PRADESH

Certificate of Registration of the Society.

No.....

This is to certify that the Registered Society.....
....located at.....in the.....
Tahsil of the..... ....district has changed its name and has now been registered under the name of .....under sub-section (3) of Section II of the Madhya Pradesh Societies Registration Act, 1959 (No. I of 1960) on the .....day of..... ..19..

Seal.

Registrar of Societies.

THE MADHYA PRADESH CHILDREN ACT, 1928

(Act No. 10 of 1928.)

An Act to make further provision for the custody and protection of children and young persons and for the custody, trial and punishment of Youthful Offender and for the amendment of the Reformatory Schools Act, 1897, in its application to Madhya Pradesh.

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Whereas it is expedient to make further provision for the custody and protection of children and young persons and for the custody, trial and punishment of Youthful Offenders and for the amendment of the Reformatory Schools Act, 1897, in its application to Madhya Pradesh and whereas the previous sanction of the Governor-General required by clauses (c), (f) and (h) of sub-section (3) of Section 80-A of the Government of India Act has been obtained to the passing of this Act;

It is hereby enacted as follows:—

PART I

PRELIMINARY

1. Short title and extent.—(1) This Act may be called the **Madhya Pradesh Children Act, 1928.**

(2) The State Government may by notification, apply the whole or any part of this Act to children, young persons or youthful offenders or any class thereof in any local area in Madhya Pradesh from such date as may be specified in the notification.

COMMENTARY

1. **Preamble.**—The Madhya Pradesh Children Act, 1928 was published on the 19th day of May, 1928 in the Central Provinces Gazette. The Statement of Objects and Reasons were published in the Central Provinces Gazette, on the 21st day of May, 1927, at page 78 of Part VII. The Report of the Select Committee was published in the Central Provinces Gazette on the 7th day of January, 1928 at page 3 of Part VII. The discussions were published in the Central Provinces Legislative Council Proceedings, on the 4th of August, 1927 and 1st of March, 1928 at pages 46 and 52.

The preamble of the Act says that it is an Act to make further provision for the custody and protection of children and young persons and for the custody, trial and punishment of youthful offenders and for the amendment of the Reformatory Schools Act, 1897 in its application to Madhya Pradesh.

The words "child", "young person", "youthful offender" and "guardian" etc., are defined in Section 2 of this Act.

2. **Extension.**—This Act was extended to the whole of Madhya Pradesh by the Madhya Pradesh Extension of Laws Act, 1958 (Act No. XXIII of 1958.)

2. Interpretation Clause.—In this Act, unless there is anything repugnant in the subject or context—

(a) "Child" means a person under the age of fourteen years and when used with reference to a child sent to a certified school, applies to that child during the whole period of his detention notwithstanding that the child may have attained the age of fourteen years;

(b) "Young Person" means a person who is fourteen years of age or upwards but under the age of sixteen years;

(c) "Youthful Offender" means any person who has been convicted of an offence punishable with transportation or imprisonment and who, at the time of such conviction was under the age of sixteen years;

(d) "Certified School" means school established or certified under this Act;

(e) "Guardian" in relation to a Youthful Offender, child or young person includes any person who in the opinion of the Court having cogni-

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zance of any proceedings in relation to the Youthful Offender, child or young person, or in which the Youthful Offender, child or young person is concerned, has for the time being the actual charge of or control over the Youthful Offender, child or young person;

(f) "Fit person" in relation to the care of any child or young person includes any Society, or body corporate established for the reception or protection of poor children or the prevention of cruelty to children which undertakes to bring up or to give facilities for bring up any child entrusted to its care in conformity with the religion of its birth;

(g) "Place of safety" includes any orphanage, hospital, surgery or any other suitable place or Institution, the occupier or manager of which is willing, temporarily to receive a child or young person; or where such orphange, hospital, surgery or other suitable place or institution is not available, in the case of a male child or young person only, a police station.

(h) "Brothel" means any house, room or place which the occupier or person in charge thereof habitually allows to be used by any other person for the purposes of prostitution;

(i) "Prescribed" means prescribed by Rules made by the State Government under this Act;

3. Amendment of Sections 4, 8 and 10, Act VIII of 1897.—In the Reformatory Schools Act, 1897, in its application to Madhya Pradesh—

(a) for the definition of "Youthful Offender" in clause (a) of Section 4, the folowing definition shall be substituted, namely:—

"Youthful Offender" means any body who has been convicted of any offence punishable with transportation or imprisonment or who has been sentenced to imprisonment under Section 123 of the Code of Criminal Procedure, 1898, and who, at the time of such conviction or sentence, was under the age of sixteen years;"

(b) in sub-section (I) of Section 8, for the word "three" the word "two" shall be substituted; and

(c) in Section 10, and in the marginal note to Section 10 for the word "fifteen" the word "sixteen" shall be substituted.

4. Powers of Courts.—The powers conferred on Courts by this Act may be exercised by the following Courts, whether the case comes before them originally or on appeal or in revision:—

(a) the High Court;

(b) a Court of Session;

(c) a District Magistrate;

(d) a Sub-Divisional Magistrate;

(e) a Juvenile Court constituted under Section 49; and

(f) a Magistrate of the First Class, or Magistrate of the Second Class specially empowered by the State Government in this behalf.

5. Procedure when Magistrate is not empowered to pass an order this Act.—(1) When any Magistrate not empowered to pass an order under this Act is of opinion that a Child or young person brought before him or convicted by him is a proper person to be sent to a certified school or to be dealt with in any other manner in which the case may be dealt with under this Act, he shall record such opinion and submit his proceedings and forward the child or young person

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to the District Magistrate or Sub-Divisional Magistrate to whom he is subordinate or to the nearest Juvenile Court having jurisdiction in the case.

(2) The Court or Magistrate to whom the proceedings are so submitted after making such further inquiry, if any, as he thinks fit, may make such order in accordance with the provisions of this Act, as he thinks fit.

PART II

MEASURES FOR THE CUSTODY AND PROTECTION OF CHILDREN AND YOUNG PERSONS WHO ARE DESTITUTE, ETC.

6. Children found wandering, etc.—(1) Any Police Officer or any other person duly authorised in this behalf may bring before a Court any person who in his opinion is a child or young person and is not subject to proper care and supervision that is to say:—

(a) is found wandering and has no home, settled place of abode or visible means of subsistence, or is found wandering and has no parent or guardian who exercises regular and proper guardianship; or

(b) is found destitute and his parents are, or his surviving parent or other guardian, or in the case of an illegitimate child, his mother or other guardian, is undergoing transportation or imprisonment; or

(c) is under the care of a parent or guardian who, by reason of criminal or drunken habits, is unfit to have the care of such person; or

(d) frequents the company of any reputed thief or prostitute; or

(e) is lodging or residing in a house used by a prostitute for the purposes of prostitution:

Provided that, when any such child or young person has a parent or guardian who has the actual charge of or control over the child or young person, the police officer or other person as aforesaid shall, in the first instnce, make a report to the nearest Court having jurisdiction under this Act. Such Court may call upon the parent or guardian to show cause why the said child or young person should not, during the pendency of the proceedings, be removed from his charge or control; and may on suitable sureties being offered for the safety of such child or young person and for his being brought before the Court, permit the child or young person to remain in the actual charge or control of his parent or guardian or may order his removal till the Court passes order under this Act. For such removal the Court may make such order as circumstances may admit and require, and any such order may be carried out notwithstanding that person claims the custody of the child or young person.

(2) The Court before which a child or young person is brought under sub-section (I) shall examine the information and record the substance of such examination and shall if it thinks that there are sufficient grounds for inquiring further, fix a date for such inquiry.

(3) On the date fixed for the production of the child or young person or for the inquiry or on any subsequent date to which the proceedings may be adjourned the Court shall hear and record all evidence which may be adduced and consider any cause which may be shown why an order sending the child to a certified school should not be passed and may make such further inquiry as it thinks fit.

(4) If the Court is satisfied that the person brought before it is a child and is not subject to proper care and supervision within the meaning of sub-section (I) and that it is expedient so to deal with him, the Court may order him to be sent to a certified school.

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(5) Instead of ordering such child to be sent to a certified school the Court may in the prescribed manner order him to be committed to the care of a relative or other fit person named by the Court, who is willing to undertake such care until he attains the age of sixteen years or for any shorter period.

(6) If the Court is satisfied that the person brought before it is a young person and is not subject to proper care and supervision within the meaning of sub-section (1) and that it is expedient so to deal with him, the Court may in the prescribed manner order him to be committed to the care of a relative or other fit person named by the Court, who is willing to undertake such care, until he attains the age of sixteen years or for any shorter period.

(7) The Court which makes an order committing a person to the care of a relative or other fit person under this Section may, in addition, order that he be placed under the supervision of a person named by the Court.

7. Uncontrolled children.—Where the parent or guardian of a child proves to a Court that he is unable to control the child, and that he desires the child to be sent to a certified school, the Court, if satisfied, after inquiry, that it is expedient so to deal with the child and that the parent or guardian understands the results, which will follow, may order him to be sent to any such School.

PART III.

OFFENCES AGAINST CHILDREN AND YOUNG PERSONS AND THEIR PREVENTION.

8. Cruelty to Children and Young Persons.—(1) Whoever having the actual charge of or control over a child or young person abandons, exposes or wilfully neglects or ill treats such child or young person in a manner likely to cause such child or young person unnecessary suffering or injury to his health shall be punishable with imprisonment of either description for a term which may extend to six months or with fine which may extend to two hundred rupees or with both.

(2) For the purposes of this Section injury to health includes injury to, or loss of, sight or hearing and injury to limb or organ of the body and any mental derangement, and a parent or other person legally liable to maintain a child or young person shall be deemed to have neglected him in a manner likely to cause injury to his health if he wilfully fails to provide adequate food, clothing, medical aid or lodging for the child or young person.

(3) A person may be convicted of an offence under this Section notwithstanding that actual suffering or injury to health was obviated by the action of another person.

(4) Nothing in this Section shall be construed to take away or affect the right of any parent, teacher or other persons having the lawful control or charge of a child or young person to administer punishment to such child or young person.

9. Causing or allowing Child or Young Person to beg.—(1) Whoever for his own profit causes any child or young person, or having the actual charge of or control over a child or young person allows that child or young person to be in any street, premises or place for the purpose of begging or receiving alms or of inducing the giving of alms, shall be punishable with imprisonment of either description for a term, which may extend to three months or with fine, which may extend to one hundred rupees or with both.

(2) The State Government may, by notification, exempt from liability to punishment under this Section any class of persons in any local area where this Act or any part of it may be in force.

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10. Being drunk while in charge of a child.—(I) If any person is found drunk in any highway or other public place, whether a building or not, or on any licensed premises, while having the charge of a child apparently under the age of seven years and if such person is incapable by reason of his drunkenness of taking due care of the child, he may be arrested and shall if the child is under that age, be punishable with fine which may extend to fifty rupees.

Presumption as to age of child.—(2) For the purposes of this Section a child shall be deemed to be under the age of seven, unless the contrary is proved, if he appears to the Court to be under that age.

11. Giving intoxicating liquor to a Child.—Whoever in any highway or other public place, whether a building or not, or on any licensed premises given or causes to be given to any person apparently under the age of 14 years any intoxicating liquor or drug except upon the order of a medical practitioner or in case of sickness or other urgent cause, shall be punishable with fine which may extend to fifty rupees.

12. Seizure by Police Officer of any bidis, cigarettes, tobacco or Smoking Mixture in possession of a Child.—(I) Any Police Officer who finds a child smoking in any street or public place shall seize any bidis, cigarettes, tobacco, or smoking mixture in the possession of such child and any bidis, cigarettes, tobacco or smoking mixture so seized shall be forfeited to Government.

(2) A police officer acting under this Section may search the child found smoking, if a boy.

13. Inciting a Child or Young Person to bet or borrow.—Whoever by words either spoken or written, or by signs or otherwise incites or attempts to incite a child or young person to make any bet or wager or to enter into or take any share or interest in any betting or wagering transaction, to borrow money or to enter into any transaction involving the borrowing of money shall be punishable with imprisonment of either description for a term which may extend to one month or with fine which may extend to one hundred rupees or with both.

14. Taking pawn from a Child or Young Person.—Whoever takes an article in pawn from a person apparently under the age of sixteen years whether offered by that person on his own behalf or on behalf of any other person shall be punishable with imprisonment of either description for a term which may extend to one month or with fine which may extend to one hundred rupees or with both.

15. Allowing Child or Young Person to Reside in or frequent brothel.—Whoever having the actual charge of or control over a child or young person between the ages of four and sixteen, allows that child or young person to reside in or frequent a brothel shall be punishable with imprisonment of either description for a term which may extend to two years or with fine which may extend to one thousand rupees or with both.

16. Causing or encouraging Seduction, etc., of young girl.—(I) Whoever, having the actual charge of or control over a girl under the age of sixteen years, causes or encourages the seduction or prostitution of that girl or causes or encourages any one other than her husband to have sexual intercourse with her shall be punishable with imprisonment of either description for a term which may extend to three years and shall also be liable to fine.

(2) For the purposes of this Section, a person shall be deemed to have caused or encouraged the seduction or prostitution of, or the unlawful sexual intercourse with a girl who has been seduced or become a prostitute or with whom such sexual intercourse has been had, if he has knowingly allowed the

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girl to consort with, or to enter or continue in the employment of, any prostitute or person of known immoral character.

17. Young Girls exposed to risk of seduction etc., or cruelly treated.—If it appears to a Court on the complaint of any person that a girl under the age of sixteen is, with the knowledge of her parent or guardian, exposed to the risk of seduction or prostitution or living a life of prostitution, the Court may direct the parent or guardian to enter into a bond, with or without sureties, to exercise due care and supervision in respect of such girls.

18. Detention of Child or Young Person in place of safety.—(1) Any Police Officer, not below the rank of Sub-Inspector and any Police Officer or other person, duly authorized in this behalf, may take to a place of safety any child or young person in respect of whom an offence punishable under this Act or under Chapter XVI of the Indian Penal Code has been or is believed to have been committed.

(2) A child or young person so taken to a place of safety and any child or young person who seeks refuge in a place of safety may there be detained until he can be brought before a Court but such detention shall not in the absence of a special order of the Court exceed a period of twenty-four hours exclusive of the time necessary for the journey from the place of detention to the Court and the Court may make such order as is mentioned in sub-section (3) or may cause the child or young person to be dealt with an circumstances may admit and require until the charge made against any person in respect of any offence as aforesaid with regard to the child or young person has been determined by the conviction, discharge or acquittal of such person.

(3) Where it appears to the Court that an offence, as aforesaid has been committed in respect of any child or young person who is brought before the Court and that it is expedient in the interest of the child or young person that an order should be made under this sub-section, the Court may make such order as circumstances may admit and require for the care and detention of the child or young person until a reasonable time has elapsed for a charge to be made against some person for having committed the offence and if a charge is made against any person within that time, until the charge has been determined by the conviction, discharge or acquittal of that person and, in the case of conviction, for such further time not exceeding one month as the Court which convicted may direct and any such order may be carried out notwithstanding that any person claims the custody of the child or young person.

19. Disposal of child or young person by order of Court.—(1) Where any person having the actual charge of or control over a child or young person has been—

(a) convicted of committing in respect of such child or young person an offence punishable under this Act or under Chapter XVI of the Indian Penal Code, or

(b) committed for trial for any such offence, or

(c) bound over to keep the peace towards such child or young person,

by any Court, that Court may either at the time when such person is so convicted, committed for trial or bound over or at any other time, order that the child or young person be taken out of the Charge and control of the person so convicted, committed for trial or bound over and be committed to the care of a relative of the child or young person or other fit person named by the Court, who is willing to undertake such care, until he attains the age of sixteen years or for any shorter period and the Court may, of its own motion or on the

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application of any person, from time to time by order renew, vary and revoke any such order.

(2) The Court which makes an order committing a child or young person to the care of a relative or other fit person under this Section may, in addition, order that the child or young person be placed under the supervision of a person named by the Court.

(3) If the child or young person has a parent or legal guardian no order shall be made under this Section unless the parent or legal guardian has been convicted or committed for trial for the offence or is under committal for trial for having been, or has been proved to the satisfaction of the Court making the order to have been, party or privy to the offence or has been bound over to keep the peace towards the child or young person or cannot be found.

(4) Every order under this Section shall be in writing and any such order may be made, by the Court in the absence of the child or young persons and the consent of any person to undertake the care of the child or young person in pursuance of any such order shall be taken in such form as the Court may think sufficient to bind him.

(5) Where an order is made under this Section and the conviction or order binding the person to keep the peace is set aside or the person is acquitted, the order shall forthwith be void except with regard to anything that may have been lawfully done under it.

(6) In the case of a child the Court may, instead of ordering the child to be committed to the care of a relative or other fit person, order that the child shall be sent to a certified School.

20. Warrant to search for Child or Young Person ill-treated.— (1) If it appears to a Court duly empowered under this Act from information on oath or solemn affirmation, laid by any person who in the opinion of the Court is acting in the interests of a child or young person, that there is reasonable cause to suspect that—

(a) the child or young person has been or is being wilfully ill-treated or neglected in any place within its jurisdiction in a manner likely to cause the child or young person unnecessary suffering or to be injurious to his health; or

(b) that an offence punishable under this Act or under Chapter XVI of the Indian Penal Code has been or is being committed in respect of the child or young person,

The Magistrate may make an order for the appearance of the child or young person in Court and, for the purpose of enforcing the orders, may cause the child or young person to be arrested and detained in a place of safety until he can be brought before the Court and the Court, when the child or young person is brought before it, may commit him to the care of a relative or other fit person in like manner as if the person, in whose charge or control he was before arrest, had been committed for trial for an offence punishable under this Act or under Chapter XVI of the Indian Penal Code:

Provided that if the said child or young person is in the custody or control of a parent or guardian who being a female does not according to the customs and manners of the country appear in public, the Magistrate shall ordinarily issue a summons and the person to whom such summons is issued shall be deemed to have complied with the summons if she causes the said child or young person to be produced in Court.

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(2) For the purpose of arresting the child or young person, the Court may exercise the powers conferred on a Magistrate of the First Class by Section 100 of the Code of Criminal Procedure, 1898.

(3) A Court issuing a warrant to enforce an order under sub-section (1) may by the same or a separate warrant order the arrest of any person accused of any offence in respect of the child or young person.

(4) The Police Officer executing a warrant to enforce an order under sub-section (1) shall be accompanied by the person laying the information, if such person so desires, and also, the Magistrate by whom the warrant is issued so directs, be accompanied by duly qualified medical practitioner.

(5) In any information or warrant under this Section the name of the child or young person shall be given if known.

(6) The provisions of Sections 75, 76, 77, 79, 81, 82, 83 and 84 of the Code of Criminal Procedure, 1898 shall apply, so far as may be, to all warrants issued under this Section.

21. Compensation for false and frivolous or vexatious Information.—(1) If in any case in which a complaint has been made by any person under Section 17 or in any case in which an information has been laid by any person under the provision of Section 20 the Magistrate after such inquiry as he thinks fit is of opinion that such information was false and either frivolous or vexatious the Magistrate may for reasons to be recorded in writing direct that compensation to such an amount not exceeding one hundred rupees as he may determine be paid by such informer to the person against whom the information was laid.

(2) Before making any order for the payment of compensation the Magistrate shall call upon the informer to show cause why he should not pay compensation and shall consider any cause which such informer may show.

(3) The Magistrate may be the order directing payment of the compensation further order that in default of payment the person ordered to pay such compensation shall suffer simple imprisonment for a period of 30 days.

(4) When any person is imprisoned under sub-section (3), the provisions of Sections 68 and 69 of the Indian Penal Code shall, so far as may be, apply.

(5) No person who has been directed to pay compensation under this Section shall by reason of such order be exempted from any civil or criminal liability in respect of the information given by him, but any amount paid as compensation shall be taken into any sub-account in civil suits relating to such matter.

(6) An informer who has been ordered to pay compensation exceeding fifty rupees may appeal from the order as if such informer had been convicted on a trial held by the Magistrate directing the payment of compensation.

(7) When an order for the payment of compensation is made in a case which is subject to appear under sub-section (6) the compensation shall not be paid to the person ordered to receive it before the period allowed for the presentation of the appeal has elapsed or if an appeal is presented before the appeal has been decided and where such order is made in a case which is not subject to appeal, the compensation shall not be paid before the expiration of one month from the date of the order.

PART. IV.

YOUTHFUL OFFENDERS.

22. Bail of Children and Young Persons arrested.—Where a person apparently under the age of sixteen years is arrested on a charge of a non-bailable

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offence and cannot be brought forthwith before a Court, the officer-in-charge of the Police Station to which such person is brought shall release him on bail, if sufficient security is forthcoming, unless the charge is one of culpable homicide or any other offence punishable with death or transportation, or for reasons to be recorded in writing the officer believes that such release would bring him into association with any reputed criminal:

Provided that when any female who appears to be a child or young person is arrested the officer in charge of a Police Station who has made the arrest or before whom the child or young person is produced shall release her at once if any person who in his opinion is a sufficient surety enters into a bond for such sum of money as the officer considers sufficient to produce her before the Court and to appear in her stead if required at the Police Station.

23. Custody of Children and Young Persons not discharged on bail after arrest.— Where a person apparently under the age of sixteen years having been arrested is not released under Section 22 or otherwise, the officer in charge of the Police Station shall cause him to be detained until he can be brought before a Court.

24. Remand or committal to custody.—A Court, on remanding or commiting for trial a child or young person, who is not released on bail, shall order him to be detained.

25. Attendance at Court of parent of Child or Young Person charged with an offence, etc.— (1) Where a child or young person is charged with any offence or where a child is brought before a Court on an application for an order to send him to a certified School, his parent or guardian may, in any case shall, if he can be found and resides within a reasonable distance and the person so charged or brought before the Court is a child, be required to attend at the Court before which the case is heard during all the stages of the proceedings, unless the Court is satisfied that it would be unreasonable to require his attendance.

(2) Where the child or young person is arrested, the officer in charge of the Police Station to which he is brought shall cause the parent or guardian of the child or young person, if he can be found, to be warned to attend at the Court before which the child or young person will appear.

(3) The parent or guardian whose attendance shall be required under this Section shall be the parent or guardian having the actual charge of or control over the child or young person:

Provided that if such parent or guardian is not the father, the attendance of the father may also be required.

(4) The attendance of the parent of a child or young person shall not be required under this Section in any case where the child or young person was before the institution of the proceedings removed from the custody or charge of his parent by an order of a Court.

(5) Nothing in this Section shall be deemed to require the attendance of the mother, or the female guardian of a child or young person if such mother or female guardian does not according to the customs and manners of the country appear in public, but any such mother or female guardian may appear before the Court by a pleader or agent.

26. Sentences that may not be passed on a child or young person.— Notwithstanding anything to the contrary contained in any enactment for time being in force no child or young person shall be sentenced to death or imprisonment for life or committed to prison:

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Provided that a young person may be committed, to prison if the Court certifies that he is of so unruly or of so depraved a character that he is not a fit person to be sent to a reformatory School and that none of the other methods in which the case may legally be dealt with is suitable.

27. Commitment of Child to a Certified School.—(1) Where a child is found to have committed an offence punishable with transportation or imprisonment the Court, if satisfied on inquiry that it is expedient so to deal with the child, may order him to be sent to a certified School.

(2) Where a child has been ordered by a Court to give security under Section 106 or Section 118 of the Code of Criminal Procedure, 1898, and has failed to do so, the Court which passed the order, may order such child to be sent to a certified School.

(3) Where prior to the commencement of this Act a youthful offender has been sentenced to transportation or imprisonment, the State Government may direct that in lieu of undergoing or completing such sentence he shall, if under the age of fourteen years, be sent to a certified School; and thereupon, the offender shall be subject to all the provisions of this Act as if he had been originally sentenced to detention in such School.

28. Power to discharge youthful offender or to commit him to suitable Custody.—A Court may, if it shall think fit, instead of directing any youthful offender to be detained in a Certified School or a Reformatory School order him to be—

(a) discharged after due admonition, or

(b) committed to the care of his parent or guardian or other adult relative or other fit person on such parent, guardian, relative or person executing a bond, with or without sureties, as the Court may require, to be responsible for the good behaviour of the youthful offender for any period not exceeding twelve months, and the Court may in either case pass a further order that the youthful offender be placed under the supervision of a person named by the Court.

29. Power to order parent to pay Fine, etc, instead of Child or Young Person.—(1) Where a child or young person is convicted of an offence punishable with fine and the Court is of opinion that the case would best be met by the imposition of a fine, whether with or without any other punishment, the Court may, in any case, and shall if the offender is a child, order that the fine be paid by the parent or guardian of the child or young person, unless the Court is satisfied that the parent or guardian connot be found or that he has not conducted to the commission of the offence by neglecting to exercise due care of the child or young person.

(2) An order under this Section, may be made against a parent or guardian who, having been required to attend, has failed to do so, but save as aforesaid, no such order shall be made without giving the parent or guardian an opportunity of being heard.

(3) Where a parent or guardian is directed to pay a fine under this Section, the amount may be recovered in accordance with the provisions of the Code of Criminal Procedure, 1898.

(4) A parent or guardian may appeal against any such order as if it has been an order passed in proceedings against himself.

30. Detention in the case of certain crimes committed by children or young person.—(1) When a child or young person is convicted of an offence of so serious a nature that the Court is of opinion that no punishment which under the provi-

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sions of this Act or of the Reformatory Schools Act, 1897, it is authorized to inflict, is sufficient, the Court shall order the offender to be kept in safe custody in such place or manner as it thinks fit, and shall report the case for the orders of the State Government.

(2) Notwithstanding the provisions of Section 26, the State Government may order any such child or young person to be detained to such place and on such conditions as it thinks fit, and while so detained the child or young person shall be deemed to be in legal custody:

Provided that no period of detention so ordered shall exceed the maximum period of imprisonment to which the child or young person could have been sentenced for the offence committed.

PART V

MAINTENANCE AND TREATMENT OF PERSONS SENT TO CERTIFIED SCHOOLS OR COMMITTED TO THE CARE OF RELATIVES OR OTHER FIT PERSONS

31. Contribution of Parent.—(1) The Court which makes an order for the detention of a child or youthful offender in a certified School or for the committal of a child or young person or youthful offender to the care of a relative or other fit person may make an order on the parent or other person liable to maintain the child, young person or youthful offender, to contribute to his maintenance, if able to do so.

(2) The Court before making any order under sub-section (1) shall inquire into the circumstances of the parent or other person liable to maintain the youthful offender, child or young person and shall record the evidence, if any in the presence of the parent or such other person, as the case may be, or when his personal attendance is dispensed with in the presence of his pleader.

(3) Any order made under this Section may from time to time be varied by the Court.

(4) The persons liable to maintain a child, young person or youthful offenders shall for the purposes of sub-section (1) include in the case of illegitimacy his putative father;

Provided that where the child, young person or youthful offender is illegitimate and an order for the maintenance has been made under Section 488 of the Code of Criminal Procedure, 1898, the Court shall not ordinarily make an order for contribution against the putative father but may order the whole or any part of the payments accruing due under the said order for maintenace to be paid to such person or persons as may be named, to be applied by him or them, as the case may be, towards the maintenance of the child, young person or youthful offender.

(5) Any order under this Section may be enforced in the same manner as an order under Section 488 of the Code of Criminal Procedure, 1898.

32. Boarding out of Children.—(1) The managers of a certified School to which a child under the age of eight years is sent may, with the consent of the Chief Inspector, board the child out with any suitable person until the child reaches the age of ten years and thereafter with the consent of Chief Inspector, for such longer period as the managers considers to be advisable in the interests of the child.

(2) The managers of the certified school shall exercise supervision over the child so boarded out and may, at any time, recall him if they think it proper so to do.

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(3) Where a child is so boarded out he shall nevertheless be deemed for the purpose of this Act to be child detained in the School, and the provisions of this Act shall apply accordingly, subject to such necessary adaptations as may be made by the State Government.

33. Placing out on licence.—(1) Where a child or youthful offender is detained in a certified School, the managers of the School may at any time with the consent of the Chief Inspector, by licence permit, the child or youthful offender to live with any trustworthy and respectable person named in the licence willing to receive and take charge of him with a view to educate him or train him for some useful trade or calling.

(2) Any licence so granted shall be in force until revoked or forfeited by the breach of any of the conditions on which it was granted.

(3) The managers of the school may at any time by order in writing revoke any such licence, and order the child or youthful offender to return to the School and shall do so at the desire of the person with whom the child or youthful offender is licenced to live. If the child or youthful offender refuses or fails to return to the School, the managers of the School may, if necessary, arrest or cause to be arrested the child or youthful offender and take him or cause him to be taken back to the School.

(4) When a licence has been revoked or forfeited and the child or youthful offender or refuses or fails to return to the School, the Court may, if satisfied by information on oath or solemn affirmation that there is reasonable ground for believing that his parent or guardian is able to produce the child or youthful offender issue a summons requiring the parent or guardian to attend at the Court on such a day as may be specified in the summons and to produce the child or youthful offender, and, if he fails to do so without reasonable excuse, he shall, in addition to any other liability to which he is subject under the provisions of this Act, be punished with a fine which may extend to fifty rupees.

(5) Where a parent or guardian is directed to pay a fine under this Section the amount may be recovered in accordance with the provisions of the Code of Criminal Procedure, 1898.

(6) The time during which a child or youthful offender is absent from a certified School in pursuance of a licence under this Section, excluding in the case of a child or youthful offender who has failed to return to the School on the licence being revoked or forfeited, such time as may have elapsed after his failure to return, shall be deemed to be part of the time of his detention in the School.

34. Penalty for abetting escape of youthful offender or Child.—Whoever—

(a) knowingly assists or induces, directly or indirectly, a child or youthful offender detained in or placed out in licence from a certified School to escape from the School or from any person with whom he is placed out on licence, or any child or young person to escape from the person to whose care he is committed under the provisions of this Act ;

(b) knowingly harbours, conceals, or prevents from returning to School or to any person whom he is placed out on licence or to whose care he is committed under this Act, a child, young person or youthful offender, was has so escaped, or knowingly assists in so doing,

shall be punishable with imprisonment of either description for a term which may extend to two months or with a fine which may extend to two hundred rupees, or with both.

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35. Period of detention.—The period for which a child or youthful offender is to be detained in a certified School shall be specified in the order in pursuance of which he is sent there and shall be such period as the Court may consider proper for his teaching and training but not in any case extending beyond the time when he will, in the opinion of the Court, attain the age of sixteen years.

36. Discharge and transfer.—(I) The State Government may at any time order a child or youthful offender to be discharged from a certified School, either absolutely or on such conditions as the State Government may impose.

(2) The State Government may order--

(a) a child over the age of twelve years detained in a certified School, who is found to be exercising an evil influence over the other children in the School or who is guilty of a serious breach of the Rules of the School or of escaping from the School, to be transferred to a Reformatory School ;

(b) a youthful offender under the age of fourteen years detained in a Reformatory School to be transferred to a Certified School;

(c) a child or youthful offender to be transferred from one certified School to another :

Provided that the whole period of the detention of the child or youthful offender shall not be increased by the transfer.

(3) The State Government may at any time in its discretion discharge a child or young person from the care of any person to whose care he is committed under this Act, either absolutely or on such conditions as the State Government may impose.

PART. VI.

CERTIFIED SCHOOLS AND OTHER INSTITUTIONS

37. Establishment and Certification of Schools.—(1) The State Government may establish and maintain industrial Schools for the reception of Children and youthful offenders.

(2) The State Government may certify that any industrial School or other educational institution not established under sub-section (I) is fit for the reception of children or youthful offenders.

38. Management of Schools.—(I) For the control and management of every School established under sub-section (1) of Section 37 a superintendent and a visiting committee, which shall consist of not less than five members shall be appointed by the State Government and such superintendent and committee shall be deemed to be the managers of the School for the purposes of this Act.

(2) Every School certified under sub-section (2) of Section 37 shall be under the management of a governing body who shall be deemed to be the managers of the School for the purposes of this Act.

39. Inspection of Schools.—(I) The State Government may appoint a Chief Inspector of certified Schools and such number of inspectors and assistant Inspectors as he thinks advisable to assist the Chief Inspector, and every person so appointed to assist the Chief Inspector shall have such of the powers and duties of the Chief Inspector as the State Government directs but shall act under the direction of the Chief Inspector.

(2) Every certified School shall, at least once in every six months, be inspected by the Chief Inspector or certified School, or by an Inspector or assistant Inspector:

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Provided that where any such School is for the reception of girls only and such inspection is not made by the Chief Inspector, the Inspector shall where practicable be conducted by a woman.

40. Power of Inspectors.—A certified School shall be liable to inspection at all times and in all its departments by the Chief Inspector or Inspector or Assistant Inspector or by any member of the Legislative Assembly of the State or by any member of Parliament chosen to represent the whole or any part of the State.

41. Medical Inspection.—Any medical practitioner empowered in this behalf by the State Government may visit any certified School at any time with or without notice to its Managers in order to report to the Chief Inspector, on the health of the inmates and the sanitary condition of the School.

42. Power of State Government to withdrawn certificate.--The State Government, if dissatisfied with the condition, Rules, management or superintendence of a certified School may at any time by notice served on the managers of the School declare that the certificate of the School is withdrawn as from a time specified in the notice and at that time, the withdrawal, of the certificate shall take effect and the School shall cease to be a certified School :

Provided that the State Government may, if it thinks fit, instead of withdrawing the certificate, by notice served on the Managers of the School, prohibit the admission of children or youthful offenders to the School for such time as may be specified in the notice or until the notice is revoked :

Provided also that before the issue of notice under this Section or under the first proviso thereto a reasonable opportunity shall be given to the managers of the School to show cause why the certificate shall not be withdrawn or admission to the School shall not be prohibited as the case may be.

43. Resignation of Certificate by Managers.—The managers of a certified School may, on giving six months' notice in writing to the State Government through the Chief Inspector of their intention so to do, resign the certificate of the school and accordingly at the expiration of six months from the date of the notice, unless before that time the notice is withdrawn, the resignation of the certificate shall take effect, and the School shall cease to be a certified School.

44. Effect of withdrawal of Resignation of Certificate.—A child or youthful offender shall not be received into a certified School in pursuance of this Act after the date of the receipt by the Managers of the School of a notice of resignation of the certificate, but the obligation hereinafter mentioned of the Managers to teach, train, lodge, clothe, and feed any children or youthful offenders detained in the School at the respective dates aforesaid shall except so far as the State Government may otherwise direct, continue until the withdrawal or resignation of the certificate takes effect.

45. Disposal of inmates and withdrawal or resignation of Certificate.—When a School ceases to be a certified School, the children or youthful offenders detained therein shall be either discharged, absolutely or on such conditions as the State Government may impose, or transferred by order of the State Government to some other certified School in accordance with the provisions of th s Act relating to discharge and transfer.

46. Auxiliary homes.—The State Government may establish auxiliary homes for the reception of any inmates or any classes of inmates of certified Schools, or may certify any other such home heretofore established or which hereafter may be established by any other agency, and the certificate may be withdrawn or resigned in like manner as a certificate of a School and every

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such home shall, for such purposes as are specified by the State Government, be treated as part of the certified School or Schools to which it is attached.

47. Liabilities of Managers.—The Managers of a certified School not established by the State Government may decline to receive any child or youthful offender proposed to be sent to them in pursuance of this Act, but when they havd once accepted any such child or youthful offender, they shall be deemed to have undertaken to teach, train, lodge, clothe, and feed him during the whole period for which he is liable to be detained in the School, or until the withdrawal or resignation of the certificate of the School.

48. Inspection of Institutions for Reception of Poor Children.—(1) The State Government may cause any institution for the reception of poor children or young persons supported wholly or partly by voluntary contributions, and not liable to be inspected by or under the authority of any Government department, to be visited and inspected from time to time at all reasonable hours, by persons appointed by it for the purpose of securing the health and welfare of the children or young persons and the sanitation of the premises.

(2) Any person so appointed shall have power to enter the institution at all reasonable hours and to make a complete inspection thereof and of all registers relating thereto for the aforesaid purposes. Any person who obstructs him in the execution of his duties shall be liable on conviction to a fine not exceeding fifty rupees.

(3) Where any such institution is carried on in accordance with the principles of any particular religious denomination, the State Government shall, if so desired by the Managers of the Institution, appoint, where practicable, a person of that denomination to visit and inspect the Institution.

(4) Where any such Institution is for the reception of girls only, the inspection shall, were practicable, be conducted by a woman.

PART VII
JUVENILE COURTS

49. Juvenile Courts.—(I) The State Government may provide for the establishment in any area of one or more separate Courts for the conduct of proceedings under this Act at which the attendance of a child or young person is required.

(2) Where no such separate Court has been established the Court before which a child or young person is brought shall unless the child or young person is tried jointly with any other person not being a child or young person, wherever practicable, sit either in a different building or room from that in which the ordinary sittings of the Court are held or on different days or at different times from those at which the ordinary sittings are held.

PART VIII
MISCELLANEOUS

50. Provision as to Religion.—(1) In determining the certified School to which a child or youthful offender is to be sent under this Act, the Court shall ascertain the religious denomination of the child or youthful offender and shall, if possible, select a school in which facilities are afforded for instruction in his religion.

(2) In determining on the person to whose care a child or young person shall be committed under this Act, the Court shall ascertain the religious denomination of the child or young person and shall, if possible, select a person of the same religious denomination or a person who gives such undertaking as

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seems to the Court sufficient that the child or young person will be brought up in accordance with the religion of the child or young person and such religion shall be specified in the order.

(3) In any case where a child or young person has been committed pursuant to any such order to the care of a person who is not of the religious denomination of the child or young person or who has not given such undertaking as aforesaid, the Court which made the order shall, on the application of any person in that behalf and on its appearing that a fit person of the religious denomination of the child or young person or who will give such undertaking as aforesaid is willing to undertake the care of the child or young person, make an order committing him to the care of such fit person.

(4) When, in the absence of any certified School or person of the same religion as the child or young person, a child or young person is committed to the care of a certified School in which facilities for instruction in his religion are not afforded or to a person who does not give an undertaking that the child or young person entrusted to him will be brought up in his religion, the Court shall take an undertaking from such School or such person that the child shall not be brought up in any religion other than his own.

(5) Where a child or a youthful offender is boarded out or is permitted by licence to live with any other person the Manager of the School select for this purpose a person of the same religion as the child or youthful offender or a person who gives a satisfactory undertaking that the child or the youthful offender shall be brought up in accordance with religion of such child or youthful offender.

(6) When a child or young person has been committed to the care of a person who gives an undertaking as aforesaid but the undertaking is not observed, the child or young person shall be liable to be removed from the care of such person and dealt with according to the provisions of sub-section (3) of this Section.

(7) Whenever any person interested in the religion of the child or young person is informed of any attempt at conversion or tampering with his religion he may apply to the Court for an enquiry and the Court on being satisfied may issue an order removing the said child or young person from the custody of such institution of person and hand over the custody to another institution or fit person.

51. Control of custodian over Child or Young Person.—Any person to whose care a child or young person is committed under the provisions of this Act shall, while the order is in force, have the like control over the child or young person as if he were his parent, and shall be responsible for his maintenance, and the child or young person shall continue in his care notwithstanding that he is claimed by his parant or any other person.

52. Bonds taken under the Act.—The provisions of Chapter XLII of the Code of Criminal Procedure, 1898, shall, so far as may be, apply to bonds taken under this Act.

53. Appeals.—(1) An appeal from an order or sentence passed by a Court under Sections 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, 19, 29, 30, 31, 33, 34, 50 shall lie—

(a) if passed by a Juvenile Court, to the District Magistrate;

(b) if passed by any Magistrate, to the Court of Sessions; and

(c) if passed by a Court of Sessions, to the High Court.

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(2) No appeal shall lie from any order passed in any such appeal.

(3) Any order passed under the provisions of this Act, and not subject to appeal under sub-section (1) may be revised by the High Court.

54. (1) The State Government may make Rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing, such Rules may be made with regard to—

(a) the establishment and maintenance of certified Schools and auxiliary homes and the certification of schools as certified Schools and of auxiliary home;

(b) the management of certified Schools and auxiliary homes;

(c) the definition of the powers and duties of visiting committees;

(d) the appointment of visitors and their tenure of office;

(e) the inspection to Certified Schools;

(f) the maintenance, education and industrial training of the inmates of Certified Schools;

(g) the conveyance of youthful offenders and children to Certified Schools;

(h) the grant of permission to the inmates of certified Schools to absent themselves for short periods;

(i) visits to and communication with the inmates of certified Schools;

(j) the punishment of offences committed by the inmates of certified Schools;

(k) the transmission of appeals and petitions from inmates of certified Schools;

(l) the inspection of the institution referred to in Section 48;

(m) the manner of detention of children and young persons under arrest or remanded or committed for trial;

(n) the procedure to be adopted in any case or inquiry under this Act before any Court other than a Juvenile Court;

(o) the persons who may be authorised to act under Section 6 or 18;

(p) the manner in which a child or young person may be committed to the care of a relative or other fit person, and the duties of such persons and the supervision of such children and young persons;

(q) the contribution by parents and other persons liable to maintain youthful offenders, children and young persons;

(r) the boarding out of children and the licensing and supervision of youthful offenders and children; and the submission of reports on such youthful offenders or children;

(s) the procedure to be adopted in Juvenile Courts; and

(t) the time within which appeals under Section 53 shall be filed.

(3) Omitted.

(4) The power to make Rules under this Act shall be subject to the condition of previous publication.

THE REFORMATORY SCHOOLS ACT, 1897

[ACT VIII of 1897.]

11th March, 1897.

An Act, to amend the law relating to Reformatory Schools and to make further provisions for dealing with Youthful Offenders.

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Whereas it is expedient to amend the law relating to Reformatory Schools and to make further provision for dealing with Youthful Offenders ;

It is hereby enacted as follows:—

I.—PRELIMINARY

1. **Title and Extent.**—(1) This Act may be called **The Reformatory Schools Act, 1897.**

(2) Omitted by Repealing and Amending Act, 1914 (Act X of 1914).

(3) It extends to the whole of India except the territories which immediately before the Ist November, 1956 were comprised in Part B States [1][other than the Madhya Bharat and Sironj Regions of the State of Madhya Pradesh].

COMMENTARY

1. **Extension.**—This Act was extended to the whole of Madhya Pradesh other than Madhya Bharat and Sironj Region of Madhya Pradesh vide entry 14 of the Schedule, Part A under Section 3(1) of the Madhya Pradesh Extension of Laws Act, 1958 (Act No. 23 of 1958) with effect from the Ist day of January, 1959 according to the notification No. 41772-XXI-A (Dr.) dated the 31st of December, 1958 of the Madhya Pradesh Law Department, published in the Madhya Pradesh Gazette, Extraordinary, dated the Ist day of January, 1959.

2. **Amendments.**—For the State of Madhya Pradesh, the Act was effected by M. P. Act XXIII of 1958, C. P. & Berar Act, X of 1928 (as amended by VI of 1935), M. P. Act XII of 1950. The amendments are incorporated at the appropriate places in this Act for the State of Madhya Pradesh.

3. **Preamble.**—It is an Act to amend the law relating to Reformatory Schools and to make further provisions for dealing with youthful offenders.

4. **Statement of Objects and Reasons.**—The Statement of Objects and Reasons were published in the Gazette of India 1896, Part V, page 187, and the Report of the Select Committee was published in the Gazettee of India, 1897 Part VI at page 55.

2. Repealed by the Repealing Act, 1938 (Act I of 1938)

3. Repealed by the Repealing Act, 1938 (Act I of 1938.)

4. **Definitions.**—In this Act, unless there is anything repugnant in the subject or context—

[2][(a) "Youthful offender" means any boy who has been convicted of any offence punishable with transportation or imprisonment or who has been sentenced to imprisonment under Section 123 of the Code of Criminal Procedure, 1898, and who at the time of such conviction or sentence, was under the age of sixteen years ;]

(b) "Inspector-General" includes any officer appointed by the State Government to perform all or any of the duties imposed by this Act on the Inspector-General ; and

(c) "District Magistrate" shall include a Chief Presidency Magistrate.

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1. The words "other than the Madhya Bharat and Sironj Regions of the State of Madhya Pradesh" were added by Entry No. 14 of Part A of the Schedule made under Section 3 (1) of the Madhya Pradesh Extension of Laws Act, 1958 (Act XXIII of 1958), which has come in force on the Ist day of January, 1959.

2. The definition of "youthful offender" is substituted by Section 3(a) of the Madhya Pradesh Children Act, 1928 (Act 10 of 1928) as amended by Act VI of 1935), with effect from 19-5-1928.

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II.—REFORMATORY SCHOOLS

5. Power to establish and discontinue Reformatory Schools.—The State Government may—

(a) establish and maintain Reformatory Schools at such places as it may think fit.

(b) use as Reformatory Schools, Schools kept by persons willing to act in conformity with such Rules consistent with this Act, as the State Government may prescribe in this behalf ;

(c) direct that any School so established or used shall cease to exist as a Reformatory School or to be used as such.

6. Requisites of Schools.—Every School so established or used must provide—

(a) sufficient means of separating the inmates at night;

(b) proper sanitary arrangements, water-supply, food, clothing and bedding for the youthful offenders detained therein;

(c) the means of giving such youthful offenders industrial training;

(d) an infirmary or proper place for the reception of such youthful offenders when sick.

7. Inspection of Reformatory Schools.—(1) Every School intended to be established or used as a Reformatory School shall, before being used as such, be inspected by the Inspector-General, and if he finds that the requirements of Section 6 have been complied with, and that, in his opinion, such School is fitted for the reception of such youthful offenders, as may be sent there under this Act, he shall certify to that effect, and such certificate shall be published in the Official Gazette together with an order of the State Government establishing the School as a Reformatory School or directing that it shall be used as such, and the School thereupon be deemed to be a Reformatory School.

(2) Every such School shall, from time to time, and at least once in every year, be visited by the said Inspector-General, who shall send to the State Government a report on the condition of the School in such form as the State Government may prescribe.

8. Power of Courts to direct youthful offenders to be sent to Reformatory Schools.—(1) Whenever any youthful offender is sentenced to transportation or imprisonment, and is, in the judgment of the Court by which he is sentenced, a proper person to be an inmate of a Reformatory School, the Court may, subject to any Rules made by the State Government, direct that instead of undergoing his sentence, he shall be sent to such a School, and be there detained for a period which shall be not less than [1][two] years or more than seven years.

(2) The powers so conferred on the Court by this Section shall be exercised only by (a) the High Court, (b) a Court of Session, (c) A District Magistrate, and (d) any Magistrate specially empowered by the State Government in this behalf, and may be exercised by such Courts, whether the case comes before them originally or on appeal.

(3) The State Government may make Rules for—

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1. In Section 8 (1) the words "three" were substituted by the words "two" by Section 3 (a) of the Madhya Pradesh Children Act, 1928 (Act No. 10 1928) with effect from the 19th day of May, 1928, as amended by Act No. IV of 1935.

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(a) defining what youthful offenders should be sent to Reformatory Schools, having regard to the nature of their offences or other considerations, and

(b) regulating the periods for which youthful offenders may be sent to such Schools according to their ages or other considerations.

9. Procedure where Magistrate is not empowered to pass an order under Section 8.—(I) When any Magistrate not empowered to pass an order under the last foregoing Section is of opinion that a youthful offender convicted by him is a proper person to be an inmate of a Reformatory School, he may, without passing sentence, record such opinion and sumbit his proceedings and forward the youthful offender to the District Magistrate to whom he is subordinate.

(2) The Magistrate to whom the proceedings are so submitted may make such further inquiry (if any), as he may think fit and pass such sentence and order for the detention in a Reformatory School of the youthful offender or otherwise, as he might have passed, if such youthful offender had been originally tried hy him.

10. Power of Magistrate to direct boys under fifteen sentenced to imprisonment to be sent to Reformatory Schools.—The officer in charge of a prison in which a youthful offender is confined in execution of a sentence of imprisonment, may bring him, if he has not then attained the age of [1][sixteen] years, before the District Magistrate within whose jurisdiction such prison is situate; and such Magistrate may, if such youthful offender appears to be a proper person to be an inmate of a Reformatory School, direct that, instead of undergoing the residue of his sentence, he shall be sent to a Reformatory School, and there detained for a period which shall be subject to the same limitations as are prescribed by or under Section 8, with reference to the period of detention thereby authorised.

11. Preliminary inquiry and finding as to age of youthful offender.—(I) Before directing any youthful offender to be sent to a Reformatory School under Section 8, Section 9 or Section 10, the Court or Magistrate shall inquire into the question of his age and, after taking such evidence (if any), as may be deemed necessary, shall record a finding thereon, stating his age as nearly as may be.

(2) A similar inquiry shall be made and finding recorded by every Magistrate not empowered to pass an order under Section 8 before submitting his proceedings and forwarding the youthful offender to the District Magistrate as required by Section 9, sub-section (1).

12. Government to determine Reformatory School to which such offenders shall be sent.—Every youthful offender directed by a Court or Magistrate to be sent to a Reformatory School, shall be sent to such Reformatory School as the State Government may, by general or special order, appoint for the reception of youthful offenders so dealt with by such Court or Magistrate:

Provided that, if accommodation in a Reformatory School is not immediately available for such youthful offender, he may be detained in the juvenile ward or such other suitable part of a prison as the State Government may direct—

(a) until he can be sent to a Reformatory School, or

(b) until the term of his original sentence expires,

whichever event may first happen. Should the term of his original sentence first expire, he shall thereupon be released, but should he be sent to a

1. In Section 10 the word "fifteen" was substituted by the word "sixteen" by Section 3 (c) of the Madhya Pradesh Children Act, 1928 (Act 10 of 1928) with effect from 19.5.1928, as amended by Act VI of 1935.

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Reformatory School, then the period of detention previously undergone shall be treated as detention in a Reformatory School.

13. Persons found to be over eighteen years not to be detained in Reformatory Schools.—(1) If at any time after a youthful offender has been sent to a Reformatory School it appears to the Committee of Visitors or Board of Management, as the case may be, that the age of such youthful offender has been understated in the order for detention, and that he will attain the age of eighteen years before the expiration of the period for which he has been ordered to be detained, they shall report the case for the orders of the State Government.

(2) No person shall be detained in a Reformatory School after he has found by the State Government to have attained the age of eighteen years.

14. Discharge or removal by order of Government.—The State Government may at any time order any youthful offender—

(a) to be discharged from a Reformatory School;

(b) to be removed from one Reformatory School to another such School situate within the territories subject to such Government; Provided that the whole period of his detention in a Reformatory School shall not be increased by such removal.

15. Agreement between States.—The State Governments of any two States may, after mutual agreement generally or specially notify to their respective Official Gazette that any Reformatory School situated in one of the States shall be available for the reception of youthful offenders directed to be sent to a Reformatory School by any Court or Magistrate in the other State and may thereupon make provision for the removal of youthful offenders accordingly.

16. Certain orders not subject to appeal or Revision.—Nothing contained in the Code of Criminal Procedure, 1882, shall be construed to authorise any Court or Magistrate to alter or reverse in appeal or revision any order passed with respect to the age of a youthful offender or the substitution of an order for detention in a Reformatory School for transportation or imprisonment.

III.—MANAGEMENT OF REFORMATORY SCHOOLS.

17. Appointment of Superintendent and Committee of Visitors or Board of Management.—(1) For the control and management of every Reformatory School, the State Government, shall appoint either (a) a Superintendent and a Committee of Visitors, or (b) a Board of Management.

(2) Every Committee and every Board so appointed must consist of not less than five persons.

(3) The State Government may suspend or remove any Superintendent or any Member of a Committee or Board so appointed.

18. Superintendent may license youthful offenders to employers of labour.—(1) Every Superintendent so appointed may, with the sanction of the Committee, by license under his hand, permit any youthful offender sent to a Reformatory School, who has attained the age of fourteen years, to live under the charge of any trustworthy and respectable person named in the license, or any officer of Government or of a Municipality, being an employer of labour and willing to receive and take charge of him, on the condition that the employer shall keep such youthful offender employer at some trade, occupation or calling.

(2) The license shall be in force for three months and no longer, but may, at any time and from time to time until the expiration of the period for

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which the youthful offender has been directed to be detained, be renewed for three months at a time.

19. Cancellation of license.—The licence shall be cancelled at the desire of the employer named in the license.

20. Determination of license.—If during the term of the license the employer named therein dies, or ceases from business or to employ labour, or the period for which the youthful offender has been directed to be detained in the Reformatory School expires, the license shall thereupon cease and determine.

21. Cancellation of license in case of ill-treatment.—If it appears to the Superintendent that the employer has ill-treated the youthful offender, or has not adequately provided for his lodging and maintenance, the Superintendent may cancel the license.

22. Superintendent to be deemed guardian of youthful Offenders. Power to apprentice youthful offender.—(1) The Superintendent of a Reformatory School shall be deemed to be the guardian of every youthful offender, detained in such School, within the meaning of Act No. 19 of 1850.

(2) If it appears to the Superintendent that any youthful offender licensed under Section 13 has behaved well during one or more periods of his license, the Superintendent may, with the sanction of the Committee, apprentice him under the provisions of the said Act, and on such apprenticement the right to detain such youthful offender to a Reformatory School shall cease and the unexpired term (if any), of his sentence shall be cancelled.

23. Duties of Committee of Visitors.—(1) Every Committee of Visitors appointed under Section 17 for a Reformatory School shall, at least once in every month—

(a) visit the School, to hear complaints and see that the requirements of Section 6 have been complied with, and that the management of the School is proper in all respects;

(b) examine the punishment-book;

(c) bring any special cases to the notice of the Inspector-General; and

(d) see that no person is illegally detained in the School.

(2) If any member of a committee of Visitors so appointed fails or neglects during a period of six consecutive months, to visit the School and assist in the discharge of the duties aforesaid, he shall cease to be a member of such Committee.

24. Powers of Board of Management.—If, in exercise of the power conferred by Section 17, the State Government, appoints a Board of Management for any Reformatory School, such Board shall have the powers and perform the functions of the Superintendent under Sections 18 to 22, both inclusive; and the license mentioned in Section 18 may be under the hand of their Chairman; and they shall be deemed to be the guardians of the youthful offenders detained in such School.

25. Power to appoint trustees or other managers of a School to be a Board of Management—The State Government may declare any body of trustees or managers of a School who are willing to act in conformity with the Rules referred to in Section 5, Clause (b), to be a Board of Management under this Act, and thereupon such body or managers shall have all the powers and perform all the functions of such Board of Management.

26. Power of Board to make Rules.—(1) With the previous sanction of the State Government, every Board of Management of a Reformatory School may from time to time make Rules, consistent with this Act—

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(i) to prescribe the articles which are to be deemed to be "prohibited articles"; and

(ii) to regulate—

(a) the conduct of business of the Board;

(b) the management of the School;

(c) the education and industrial training of youthful offenders;

(d) visits to, and communication with youthful offenders;

(e) the terms and conditions under which any articles declared by the Board to be "prohibited articles" may be introduced into or removed out of the School;

(f) the manner in which such articles are to be removed when introduced without due authority;

(g) the conditions and limitations under which such articles may be supplied outside the School to any youthful offender under order of detention therein;

(h) the conditions on which the possession by any such youthful offender of such articles may be sanctioned;

(i) the penalties to be imposed for the supply or possession of such articles when supplied or possessed without due authority;

(j) the punishment of offences committed by youthful offenders; and

(k) the granting of licenses for the employment of youthful offenders.

(2) In the absence of a Board of Management the State Government may make Rules consistent with this Act to regulate for any Reformatory School, the matters mentioned in any clause of sub-section (I), other than clause (ii) (a), and also the mode in which the Committee of Visitors shall conduct their business.

IV.—OFFENCES IN RELATION TO REFORMATORY SCHOOLS.

27. Penalty for Introduction or Removal or Supply of Prohibited Articles and communication with Youthful Offenders.—Whoever, contrary to any Rule made under Section 20, introduces or removes or attempts by any means whatever to introduce or remove into or from any Reformatory School, or supplies or attempts to supply outside the limits of any Reformatory School to any youthful offender under order of detention therein, any prohibited article,

and every officer or person in charge of a Reformatory School, who, contrary to any such Rule, knowingly suffer any such article to be introduced into or removed from any Reformatory School, to be possessed by any youthful offender detained therein, or to be supplied to any such youthful offender outside its limits,

and whoever, contrary to any such Rule, communicates or attempts to communicate with any such youthful offender,

and whoever abets any offence made punishable under this Section shall, on conviction before a Magistrate, be liable to imprisonment for a term not exceeding six months, or to fine not exceeding two hundred rupees, or to both.

28. Penalty for abetting escape of youthful offender.—Whoever abets or escape, or an attempt to escape, on the part of a youthful offender from a Reformatory School, or from the employer of such youthful offender, shall be punishable with imprisonment for a term which may extend to six months, or with fine not exceeding two hundred rupees, or with both.

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29. Arrest of escaped youthful offender.—A Police Officer may, without orders from a Magistrate and without a warrant, arrest any youthful offender sent to a Reformatory School under this Act, who has escaped from such School or from his employer, and take him back to such School or to his employer.

V.—MISCELLANEOUS.

30. Application of Act 15 of 1869 to youthful offenders detained in Reformatory Schools.—Repealed by Section 53 and Schedule III of the Prisons Act, 1900 (Act III of 1900).

31. Power to deal in other ways with Youthful offenders, including Girls.—(1) Notwithstanding anything contained in this Act or in any other enactment for the time being in force, any Court may, if it shall think fit, instead of sentencing any youthful offender to transportation or imprisonment for directing him to be detained in a Reformatory School, order him to be—

(a) discharged after due admonition, or

(b) delivered to his parent or to his guardian or nearest adult relative on such parent, guardian or relative executing a bond, with or without sureties, as the Court may require, to be responsible for the good behaviour of the youthful offender for any period not exceeding twelve months.

(2) For the purposes of this Section the term "youthful offender" shall include a girl.

(3) The powers conferred on the Court by this section shall be exercised only by Courts empowered by or under Section 8.

(4) When any youthful offender is convicted by a Court not empowered to get under this Section and the Court is of opinion that the powers conferred by this Section should be exercised in respect of such youthful offender, it may record such opinion and submit the proceedings and forward the youthful offender to the District Magistrate to whom such Court is subordinate.

(5) The District Magistrate to whom the proceedings are so submitted may thereupon make such order or pass such sentence as he might have made or passed if the case had originally been tried by him.

32. Procedure when youthful offender under detention in a Reformatory School is again convicted and sentenced.—When a youthful offender during his period of detention in a Reformatory School is again convicted by a Criminal Court, the sentence of such Court shall commence at once, notwithstanding anything to the contrary in Section 397 of the Code of Criminal Procedure, 1882, but the Court shall forthwith report the matter to the State Government, which shall have power to deal with the matter in any way in which it thinks fit.

THE YOUNG PERSONS (HARMFUL PUBLICATIONS) ACT, 1956
[ACT XCIII of 1956]

28th December, 1956.

An Act to prevent the dissemination of certain Publications harmful to Young Persons ;

Be it enacted by Parliament in the Seventh Year of the Republic of India as follows:—

1. Short title, extent and commencement.—(I) This Act may be called **The Young Persons (Harmful Publications)** Act, 1956.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

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(3) It shall come into force on such date, as the Central Governmen may by notification in the Official Gazette, appoint.

COMMENTARY

1. **Commencement.**—This Act came in force on the Ist day of February, 1957 vide S.R.O. 384 of the 25th day of January, 1957 published in the Gazette of India, Extraordinary of 1957 at page 381 of Part II, Section 3.

2. **Statement of Objects and Reasons.**—The Statement of objects and Reasons were published in the Gazette of India Extraordinary of 1955, at page 357 of Part II, Section 2.

3. **Preamble.**—It is an Act to prevent the dissemination of certain publications harmful to young persons. The terms "harmful publication" and "young person" are defined in Section 2 of this Act.

2. **Definitions.**—In this Act—

(a) "Harmful publication" means any book, magzine, pamphlet, leaflet, newspaper or other like publication which consists of stories told with the aid of pictures or without the aid of pictures or wholly in pictures, being stories portraying wholly or mainly—

(i) the commission of offences; or

(ii) acts of violence or cruelty; or

(iii) incidents of a repulsive or horrible nature ;

in such a way that the publication as a whole would tend to corrupt a young person into whose hands it might fall, whether by inciting or encouraging him to commit offences or acts of violence or cruelty or in any other manner whatsoever;

(b) "State Government" in relation to Union territory, means the administrator thereof ;

(c) "Young Person" means a person under the age of twenty years.

3. **Penalty for sale, etc. of harmful publications.**—(1) If a person—

(a) sells, lets to hire, distributes, publicly exhibits or in any manner puts into circulation, any harmful publication, or

(b) for purposes of sale, hire, distribution, public exhibition or circulation, prints, makes or produces or has in his possession any harmful publication, or

(c) advertises or makes known by any means whatsoever that any harmful publication can be procured from or through any person,

he shall be punishable with imprisonment which may extend to six months or with fine, or with both.

(2) On a conviction under this Section, the Court may order the destruction of all the copies of the harmful publication in respect of which the conviction was bad and which are in the custody of the Court or remain in the possession or power of the person convicted.

4. **Power of Government to declare harmful publications forfeited.**—(1) The State Government may, if it is of opinion after consultation with the principal Law Officer of the State, whether called the Advocate-General or by any other name, that any publication is a harmful publication, declare by order notified in the Official Gazette, that every copy of such publication shall be forfeited to the Government and every such notification shall state the ground for the order.

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(2) Without prejudice to the provisions contained in sub-section (1) of Section 6, where there is an order of forfeiture under sub-section (I) in respect of any publication it shall be lawful for any Police Officer to seize the same, wherever found in the territories to which this Act extends.

5. **Appeal to High Court against order of forfeiture.**—Any person aggrieved by an order of forfeiture passed by the State Government under Section 4 may, within sixty days of the date of such order, apply to the High Court to set aside such order, and upon such application the High Court may pass such order as it deems fit.

6. **Power to seize and destroy harmful publications.**—(I) Any Police Officer or any other Officer empowered in this behalf by the State Government may seize any harmful publication.

(2) Any Magistrate of the First Class may, by warrant authorise any Police Officer not below the rank of Sub-Inspector to enter and search any place where any stock of harmful publications may be or may be reasonably suspected to be and such Police Officer may seize any publication found in such place if in his opinion it is a harmful publication.

(3) Any publication seized under sub-section (I) shall be produced, as soon as may be, before a Magistrate of the first class, and any publication seized under sub-section (2) shall be produced, as soon as may be, before the Court which issued the warrant.

(4) If in the opinion of the Magistrate or Court such publication is a harmful publication, the Magistrate or Court may cause it to be destroyed, but if, in the opinion of the Magistrate or Court such publication is not a harmful publication, the Magistrate or court shall dispose of it in the mannar provided in Sections 523, 524, and 525 of the Code of Criminal Procedure, 1898.

7. **Offences under this Act to be cognizable.**—Notwithstanding anything contained in the Code of Criminal Procedure, 1898, any offence punishable under this Act shall be cognizable.

THE NATIONAL CADET CORPS ACT, 1948.

[Act XXXI of 1948.]

16th April, 1948.

An Act to provide for the Constitution of a National Cadet Corps.

Whereas it is expedient to provide for the Constitution of a National Cadet Corps ;

It is hereby enacted as follows :—

1. **Short Title, Extent and Application.**—(1) This Act may be called **The National Cadet Corps Act, 1948.**

(2) It extends to the whole of India and applies to all persons enrolled or appointed under this Act wherever they may be.

2. **Definitions.**—In this Act, unless there is anything repugnant in the subject or context.—

"Corps" means the National Cadet Corps constituted under this Act;

"Enrolled" means enrolled in the Corps under this Act;

"Prescribed" means prescribed by Rules under this Act;

"School" includes any institution recognised in this behalf by the Central Government or the State Government ;

"University" means any University established by law in India and includes colleges affiliated to Universities, intermediate Colleges and such

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technical institutions of collegiate status as are recognised in this behalf by the Central Government or the State Government.

3. **Constitution of the National Cadet Corps.**—There shall be raised and maintained in the manner hereinafter provided a Corps to be designated the National Cadet Corps :

Provided that the Central Government may establish all or any of the units of the Corps as and when necessary.

4. **Constitution and disbandment of units.**—The Central Government may constitute in any State one or more units of the Corps, members of which shall be recruited from amongst the students of any University or School, and may disband or reconstitute any unit so constituted.

5. **Division of Corps into Divisions.**—There shall be three Divisions of the Corps, namely—

(i) the Senior Division, recruitment to which shall be from amongst the students of the male sex of any University ;

(ii) the Junior Division, recruitment to which shall be from amongest the students of the male sex of any School; and

(iii) the Girls Division, recruitment to which shall be from amongst the students of the female sex of any University or School.

6. **Enrolment.**—(1) Any student of the male sex of any University may offer himself for enrolment as a Cadet in the Senior Division, and any student of the male sex of any School may offer himself for enrolment as a Cadet in the Junior Division, if he is of the prescribed age or over.

(2) Any student of the female sex of any University or School may offer herself for enrolment as a Cadet in the Girls Division:

Provided that in the latter case she is of the prescribed age or over.

7. **Central Government may raise other Units.**—Notwithstanding anything contained in this Act, the Central Government may by notification, provide for the constitution of any other units of the Corps in any place and prescribe the persons or class of persons who may be eligible for enrolment therein.

8. **Discharge.**—Every person enrolled under this Act shall be entitled to receive his or her discharge from the Corps on the expiration of the period for which he or she was enrolled or on his or her ceasing to be borne on the roll of the University or School to which he or she may belong:

Provided that any person enrolled may be discharged at any time by such auhority and subject to such conditions as may be prescribed.

9. **Appointment of Officers.**—The Central Government may provide for the appointment of officers in or for any Unit of the Corps either from amongst members of the staff of any University or School or otherwise and may prescribe the duties, powers and functions of such officers.

10. **Duties of persons subject to this Act.**—No person subject to this Act shall by virtue of being a member of the Corps be liable for active military service, but subject thereto any such person shall be liable to perform such duties and discharge such obligations as may be prescribed.

11. **Punishment for offences under this Act.**—Any person enrolled under this Act may be punished for the contravention of any Rule made under this Act with fine which may extend to fifty rupees to be recovered in such manner and by such authority as may be prescribed.

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12. **Power to appoint Advisory Committees.**—(1) The Central Government may for the purpose of advising it on all matters of policy connected with the constitution and administration of the Corps, appoint a Central Advisory Committee consisting of the following persons, namely:—

(a) the Minister for Defence, who shall be the Chairman of the Committee;

(b) the Secretary to the Government of India, Ministry of Defence, ex-officio;

(c) the Secretary to the Government of India, Ministry of Education, ex-officio;

(d) the Financial Adviser, Defence, ex-officio;

(e) the Chief of the Army Staff, ex-officio;

(f) the Chief of the Naval Staff, ex-officio;

(g) the Chief of the Air Staff, ex-officio;

(h) five non-official members to be nominated by the Central Government; and

(i) two members to be elected by the House of the People and one member to be elected by the Council of States annually.

(2) The Central Government may also appoint, for the same purpose as is specified in sub-section (1) such State Advisory Committees as it may consider desirable from time to time and may prescribe their duties and functions.

13. **Powers to make Rules.**—(1) The Central Government may make Rules to carry out the objects of this Act.

(2) In particular and without prejudice to the generality of the foregoing power such Rules may—

(a) prescribe the conditions subject to which Universities or School shall be allowed to raise Units under this Act;

(b) prescribe the persons or class of persons who may be eligible for enrolment under Section 7;

(c) prescribe the manner in which, the period for which and the conditions subject to which any person or class of persons may be enrolled under this Act;

(d) provide for the medical Examination of persons offering themselves for enrolment under this Act;

(e) .....

(f) prescribe the military or other obligations to which members of the Corps shall be liable when undergoing military training and provide generally for the maintenance of discipline amongst members of the Corps;

(g) preserибe the duties, powers and functions of officers appointed under this Act;

(h) prescribe the allowances or other remuneration payable in persons subject to this Act;

(i) provide for the removal or discharge of any person subject to this Act;

(j) prescribe the offences for which any person subject to this Act may be tried and provide for the trial thereof;

(k) prescribe the manner in which lines levied under this Act may be recovered;

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(l) prescribe the duties, powers and functions of Central or State Advisory Committee; and

(m) provide for any other matter which under this Act is to be or may be prescribed.

THE NATIONAL CADET CORPS RULES, 1948.

In exercise of the powers conferred by Section 13 of the National Cadet Corps Act, 1948 (Act XXXI of 1948), the Central Government is pleased to make the following Rules—

PRELIMINARY

1. Short title and extent.—(1) These Rules may be called the **National Cadet Corps Act, 1948.**

(2) They extend to the whole of India and apply to all persons enrolled or appointed under the Act, wherever they may be.

2. Definitions.—In these Rules, unless there is anything repugnant in the subject or context:—

(a) "the Act" means the National Cadet Corps Act, 1948, (Act XXXI of 1948);

(b) "State Government" in relation to a Part C State, means the Chief Commission of that State;

(c) "Director of Public Instruction" includes the Director of Education;

(d) "Form" means a form set out in Schedule 1;

(e) "Schedule" means a Schedule appended to these Rules;

(f) "Section" means a Section of the Act;

(g) "Training Year" means a period of twelve months beginning on the first day of April, and ending on the thirty-first day of March;

(h) the expression "Commanding Officer" and "Officer Commanding the the unit" means officers of the Armed Forces who is in command of the unit of the Senior Division of the Corps;

(i) the expression "College" includes any teaching institution, within the meaning of the term "University";

(j) the expression "Headmaster" means the Head of a "School";

(k) the expression "Cadet" means any student enrolled under Section 6 of the Act;

(l) the expression "University" and "School" have the meaning respectively assigned to them by the Act;

(m) "Circle" means a group of States which has been placed under the charge of an officer of the Armed Forces working directly under the Director, National Cadet Corps;

(n) "Circle Commander" means any officer of the Armed Forces who is placed in charge of a Circle and commands all the units of the National Cadet Corps.

PART. I.

RAISING OF A UNIT.

3. Conditions for raising a unit of the Senior Division.— A unit or part thereof of the Senior Division may be raised in a College subject to the following conditions.—

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(a) The College shall provide from among the members of its staff officers for the unit at the scale of—

2 Officers per Naval Unit.
5 Officers per Infantry Company.
3 Officers per Armoured Corps Unit.
2 Officers per Artillery, Engineer, Signal, Medical and E. M. E. Unit.
2 Officers per Air Force Unit.

(b) The College shall give an undertaking that it can enrol and maintain upto strength the unit or part thereof which may be allotted to it.

(c) The College shall provide for the unit or part thereof which may be allotted to it a store room for storage of clothing and equipment and provide accommodation for an office.

(d) The College shall arrange for the use of a suitable parade ground.

(e) The College shall provide a suitable short range or arrange to obtain the use of such a short range:

Provided that the Central Government may, in any case, on the recommendation of the State Government, relax wholly or in part, the provisions of clauses (c), (d) and (e), if it is satisfied that requisite facilities are provided by Colleges located in the same place.

4. Conditions for raising a unit of the Junior Division.— A unit or part thereof of the Junior Division may be raised in a school subject to the following conditions:—

(a) The School shall provide from among the members of its staff officers at the scale of 1 officer per sub-unit of 30 cadets.

(b) The School shall give an undertaking that it can enrol and maintain upto strength the unit or part thereof which may be allotted to it.

(c) The School shall provide for the unit or part thereof which may be allotted to it a store room for the storage of clothing and equipment.

(d) The School shall provide a suitable miniature rifle range or arrange to obtain the use of such a miniature rifle range.

(e) The School shall be in a position to supplement from its own funds the financial grants made by the State Government for the unit or part thereof, which may be allotted to it:

Provided that the State Government may, in any case, relax wholly or in part the provisions of clause (e), or it is satisfied that the requisite facilities are provided by Schools located in the same place, the provisions of clauses (c) and (d).

PART. II.

ENROLMENT

5. Qualifications for enrolment in Senior Division.— No student of the male sex of any University offering himself for enrolment in the Senior Division shall be eligible for enrolment—

(a) unless he is of good character;

(aa) unless he is a citizen of India or a subject of Nepal:

Provided that the Central Government may, in any suitable case, relax the provisions of this clause.

(b) unless he is under the age of 26 years.

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(c) unless he is on the roll of the College which is providing the suit or part thereof;

(d) unless he satisfies such standard of physical fitness in height, chest, measurement and other respects as may be specified by the Ministry of Defence, Government of India;

(e) if he has at any time been convicted of an offence involving moral turpitude and a sentence other than one of fine or of imprisonment in default of payment of fine has been passed in respect of such offence, such sentence not having been subsequently reversed or remitted or the offence pardoned;

Provided that a person who is ineligible under this clause shall be eligible for enrolment if he produces a certificate from the State Government that he is a fit person to be enrolled;

(f) if he has been dismissed from the University Corps of the Indian Territorial Force or the National Cadet Corps or the Territorial Army or the Indian Armed Forces;

(g) if he is a member of any organisation of the nature specified in paragraph I of Schedule III.

6. **Qualifications for enrolment in the Junior Division.**— No student of the male sex of any Schools offering himself for enrolment in the Junior Division shall be eligible for enrolment—

(a) unless he is of good character;

(aa) unless he is a citizen of India or subject of Nepal:

Provided that the Central Government may, in any suitable case, relax the provisions of this clause.

(b) unless he has attained the age of 13 years and has not attained the age of 18 years:

Provided that the Central Government may in the case of students of any school or any class of Schools, relax the provisions of this clause.

(c) unless he is on the roll of the School which is providing the unit or part thereof;

(d) unless he satisfies such standard of physical fitness in height, chest, measurement and other respects as may be specified by the Ministry of Defence, Government of India;

(e) if he has at any time been convicted of an offence involving moral turpitude and a sentence other than one of fine or of imprisonment in default of payment of fine has been passed in respect of such offence, such sentence not having been subsequently reversed, or remitted or the offence pardoned:

Provided that a person who is ineligible under this clause shall be eligible for enrolment if he produces a certificate from the State Government that he is a fit person to be enrolled;

(f) if he is a member of any organisation of the nature specified in paragraph I of Schedule III.

7. **Application for enrolment.**— (1) A student desirous of being enrolled in the Senior Division shall apply to the Officer commanding the unit.

(2) A student desirous of being enrolled in the Junior Division shall apply to the Headmaster of the school providing the unit or part thereof.

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(3) The officer to whom an application under sub-rule (1) has been made shall cause the applicant to fill up and sign in his presence a statement in Form I.

(4) The Headmaster to whom an application under sub-rule (2) has been made shall cause the applicant to fill up and sign in his presence a statement in Form II.

8. Verification.—When an application is made to a Commanding Officer or a Headmaster under rule 7 he shall satisfy himself that the application is in proper form and that the applicant fulfils the conditions of enrolment specified in rule 5 or 6, as the case may be. The Commanding Officer, or the Headmaster may make such further inquiry regarding the suitability of the applicant for enrolment in the unit or part thereof in which he desires to be enrolled, as may be prescribed in this behalf, by the State Government.

9. Medical Examination.—If the Commanding Officer or the Headmaster is satisfied that the application is in Order, and that the applicant fulfils the conditions of enrolment and that he is suitable for enrolment in the unit or part thereof in which he desires to be enrolled, he shall cause the applicant to be medically examined.

10. Rejection.—If the Commanding Officer or the Headmaster is not satisfied that the application is in order or that the applicant fulfils the conditions of enrolment or that he is suitable to be enrolled in the unit or part thereof or the applicant is reported to be medically unfit for service in the National Cadet Corps, the Commanding Officer or the Headmaster shall reject the application and shall inform the applicant accordingly.

11. Method of enrolment.—(I) If the Commanding Officer does not reject the application, the applicant shall be accepted for enrolment in the Senior Division, and shall be required to sign a declaration in Form I. If the applicant is a minor, his father or guardian shall also be required to sign a declaration provided in the form.

(2) If the Headmaster does not reject the application the applicant shall be accepted for enrolment in the Junior Division. The applicant shall be required to sign a declaration in Form II and his father or guardian shall also be required to sign a declaration in the Form.

(3) If the Commanding Officer or the Headmaster is satisfied that the applicant, or his father or guardian in the case of a minor applicant, understand the questions put to the applicant and consent to the conditions of service he shall sign a certificate to that effect on the said Form; and the applicant shall thereupon be deemed to have been enrolled.

12. Period of enrolment.—(I) Subject to the provisions of Part VII of these Rules, every person accepted for enrolment in the Senior Division Army Wing shall be enrolled for a period of two years and a person accepted for enrolment in the Senior Division Air Wing or the Senior Division Naval Wing shall be enrolled for a period of three years.

(2) The period specified in sub-rule (I) shall commence from the date of enrolment under Rule 11.

13. Extension of service.—(I) A cadet of the Senior Division may be permitted to extend his enrolment for a period of one year at a time up to maximum of four years total service.

(2) A Cadet of the Junior Division may be permitted to extend his enrolment for a period of one year up to a maximum of three years total service.

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PART III.

APPOINTMENT AND TRANSFER.

14. Appointment.—(1) A student enrolled in the Senior Division shall be appointed by the Commanding Officer to the unit or part of the unit which is provided by the college to which the student belongs.

(2) A student enrolled in the Junior Division shall be appointed by the Headmaster to the unit or part thereof which is being provided by his School.

15. Transfer.—(1) The transfer to another unit of the Senior Division or Junior Division, as the case may be, of a cadet who has been appointed to a unit of that Division will be permissible by mutual consent of the Commanding Officers in the case of the Senior Division and of the Headmasters in the case of the Junior Division.

(2) A cadet who desires to be transferred shall submit his application in writing to his Commanding Officer or Headmaster, as the case may be, and shall, in the application, state his reasons for desiring the transfer and the unit or part thereof to which he desires to be transferred.

PART IV

APPOINTMENT OF OFFICERS

16. Qualifications for appointment.—No person offering himself for appointment as an officer shall be appointed as such officer—

(a) unless he is of good character;

(aa) unless he is a citizen of India or a subject of Nepal:

Provided that the Central Government may, in any suitable case, relax the provisions of this clause.

(b) unless he satisfies the following requirements regarding his age:—

(i) in the case of an appointment to the Senior Division of the Corps, he has attained the age of 21 years and has not attained the age of 38 years;

(ii) in the case of an appointment to the Junior Division of the Corps, he has attained the age of 21 years and has not attained the age of 35 years;

(c) unless he satisfies such standard of physical fitness in height, chest, measurement and other respects as may be specified by the Ministry of Defence, Government of India;

(d) unless he is a permanent member of the teaching staff of the College or School providing the unit or part thereof of the Senior or the Junior Division, as the case may be.

(e) if he has at any time been convicted of an offence involving moral turpitude and a sentence other than that of fine or of imprisonment in default of payment of fine has been passed in respect of such offences, such sentence not having been subsequently reversed or remitted or the offence pardoned;

(f) if he has been dismissed from the University Corps of the Indian Territorial Force or the National Cadet Corps or the Territorial Army of the Indian Armed Forces.

(g) if he is a member of any organisation of the nature specified in paragraph I of Schedule III:

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Provided that—

(i) in case of an officer discharged from the University Corps of the Indian Territorial Force, the Ministry of Defence, Government of India, may relax the age limit prescribed by clause (b);

(ii) a person who is ineligible under clause (e) shall be eligible for appointment if he produces a certificate from the State Government that he is a fit person to be appointed;

(iii) the Ministry of Defence, Government of India, may authorise the appointment of any person who is not qualified for appointment under the Rule.

17. Application for appointment.—(I) A person desirous of being appointed as an officer in the Senior Division shall apply to the Principal of the College who shall forward the application to the Vice-Chancellor of the University or the Director of Public Instruction, as may be specified in this behalf by the State Government—

(2) A person desirous of being appointed as an officer in the Junior Division shall apply to the Headmaster of his school who shall forward the application.

(a) where there is a District Inspector of Schools, to such Inspector;

(b) where there is no District Inspector of Schools, to such other Educational Authority as may be specified in this behalf by State Government.

The District Inspector of Schools or other Educational Authority, as the case may be, shall forward the application, with his recommendations to the Director of Public Instruction.

(3) The Principal of the college to whom an application under sub-rule (I) has been made shall cause the applicant to fill and sign in his presence a statement in Form III.

(4) The Headmaster to whom an application under sub-rule (2) has been made shall cause the applicant to fill up and sign in his presence a statement in Form III.

18. Verification.—(1) When an application under Rule 17 is made to the Principal of a college or the Headmaster, he shall satisfy himself that the application is in order and that the applicant fulfils the conditions of appointment specified in Rule 16.

(2) The Principal of a college or the Headmaster shall fill up and sign the relevant part of a Statement in Form III and shall forward the application to the appropriate authority specified in Rule 17.

(3) The Vice-chancellor of a University or the Director of Public Instruction, on receipt of an application under Rule 17 shall make such further inquiry regarding the suitability of the application for appointment as an officer in the National Cadet Corps, as may be prescribed in this behalf by the State Government.

19. Medical Examination.—If the Vice-Chancellor of a University or the Director of Public Instruction is satisfied that the applicant fulfils the conditions of appointment and that he is suitable for appointment as an officer in the National Cadet Corps, he shall cause the applicant to be medically examined.

20. Rejection.—If the Vice-Chancellor of a University or the Director of Public Instruction is not satisfied that the application is an order, or that the

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applicant fulfils the conditions of appointment or that he is suitable to be appointed as an officer in the National Cadet Corps, the Vice-Chancellor or the Director of Public Instruction shall reject the application and shall inform the applicant accordingly.

21. Method of Appointment.—(1) If the Vice-Chancellor of a University or the Director of Public Instruction does not reject the application the applicant shall be directed to appear before a Selection Board, to be set up in the manner specified by the Ministry of Defence, Government of India.

(2) If the Selection Boards recommends the applicant for appointment as an officer in the National Cadet Corps, the applicant shall be required to sign a declaration in Form III. The President of the Selection Board, on being satisfied that the applicant understands the questions put to him and consents to the conditions of service, shall sign a certificate to that effect on the said Form.

(3) The State Government shall then direct the applicant to proceed to an Army unit for undergoing training for periods of time specified in Part VIII of these Rules.

(4) On completion of the training the applicant shall be reported on and his application together with the report shall be sent to the Ministry of Defence Government of India.

(5) If the Government of India is satisfied that the applicant is suitable and qualified for appointment as an officer in the National Cadet Corps, it will commission him as an officer in the National Cadet Corps.

(6) The Government of India may grant to any person without precommission training, commission as an officer—

(a) in the Senior Division if he has rendered commissioned service in the Armed Forces, U.O.T.C./I.T.F./T.A./J.& K. Cadet Corps or National Cadet Corps (Senior Division) or has passed Certificate "C" Examination of the National Cadet Corps;

(b) In the Junior Division if he has rendered service as an officer not below the rank of a Junior Commissioned Officer or a Viceroy's Commissioned Officer in the Army of a Chief Petty Officer in the Navy or a Warrant Officer in the Air Force or a Commissioned officer in the National Cadet Corps or has passed Certificate "B" or "C" Examination of the National Cadet Corps.

22. Period of Appointment.—Subject to the provisions of Part VII of these Rules, a person Commissioned in the National Cadet Corps shall hold that commission as an officer in that Corps for a period from the date of his Commission until he reaches 52 years of age, when he shall be discharged from the Corps:

Provided that if in the opinion of the authority granting the Commission such person continues to be physically fit after he has reached the age of 52 years such authority may extend the period of the Commission upto a date not later than the date when such person reaches the age of 55 years:

Provided further that an officer commissioned, after getting his discharge from the University Corps of the Indian Territorial Force shall be permitted to serve for such longer period as may be authorised by the Ministry of Defence, Government of India.

22A. Notice for leaving College or School.—(1) Where an officer appointed to the Senior Division of the Corps desires to leave the College in which is located the unit to which he is posted under sub-rule (1) of Rule 23, he shall give six months' notice in writing of his intention to do to the Principal of the College.

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(2) Where a person appointed to the Junior Division of the Corps desires to leave the school in which is located the unit to which he is posted under sub-rule (2) of Rule 23 he shall give three months' notice in writing of his intention to do so to the Headmaster of the School.

PART V

POSTING AND TRANSFER

23. Posting.—(1) An officer of the Senior Division of the National Cadet Corps shall be posted to a unit of the Ministry of Defence, Government of India.

(2) An Officer of the Junior Division of the National Cadet Corps shall be posted to a unit of that Division by the State Government.

24. Transfer.—(1)The transfer to another unit of the Senior Division of an officer who has been posted to a unit of that Division shall be authorised by the Ministry of Defence, Government of India.

(2) If the proposed transfer is to a unit of the Senior Division in another State, the Ministry of Defence, Government of India, shall consult the State Government in whose jurisdiction the unit is located, and obtain their concurrence to the transfer.

(3) The transfer to another unit of the Junior Division of an officer posted to a unit of that Division shall be authorised by the State Government.

(4) An officer of the Senior Division who desires to be transferred shall submit his application in writing, through the Principal of the College, to the Vice-Chancellor of the University or to the Director of Public Instruction as may be specified in this behalf by the State Government and shall, in the application, state his reasons for desiring the transfer and the unit to which he desires to be transferred. The Vice-Chancellor or the Director of Public Instruction shall then forward the same through the State Government to the Ministry of Defence, Government of India, together with his recommendations.

(5) An officer of the Senior Division, who desires to be transferred shall submit his application in writing through the Headmaster, to the Director of Public Instruction and shall, in the application, state his reasons for desiring the transfer and the unit to which he desires to be transferred.

PART VI

OFFICERS—DUTIES, POWERS AND PROMOTIONS

25. Duties.—(1) Officers of the Senior and Junior Division will be responsible for the training and discipline of the cadets placed under their command.

(2) They shall attend all training parades as specified in Part VIII of these Rules and shall attend the annual camp.

26. Powers.—(1) Officers of the Senior and Junior Division shall exercise powers of command over all cadets in their unit.

(2) Officers of the Senior Division shall exercise such powers over Junior Commissioned Officers, warrant Officers and Non-Commissioned Officers of the Army, Chief Petty Officers, Petty Officers and Men of the Indian Navy, Warrant Officers and Non-Commissioned Officers of the Indian Air Force, as the case may be, posted or attached to their units, as may be specified by the Government of India in the Ministry of Defence.

(3) Officers of the Senior Division shall be Junior to all Armed Forces and Territorial Army Officers of similar rank, and between themselves shall take seniority according to the date of their commission in the Corps:

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Provided that periods of service rendered by an officer of the Senior Division as a Commissioned Officer in the Armed Forces, U.O.T.C./I.T.F./T.A./J.& K. Cadet Corps or National Cadet Corps (Senior Division) shall count towards his seniority and promotion.

(4) Officers of the Junior Division shall be Junior to all Armed Forces, Territorial Army and Senior Division Officers and between themselves shall take seniority according to the date of their commission in the Corps:

Provided that periods of service rendered by an officer of the Junior Division as an officer not below the rank of a Junior Commissioned Officer or a Viceroy's Commissioned Officer in the Army or a Chief Petty Officer in the Navy or a Warrant Officer in the Air Force or a Commissioned Officer in the National Cadet Corps shall count towards his seniority and promotion:

Provided further that the powers of command specified in sub-rules (1) to (4) shall be exercised by the Officers of the Corps when in uniform and when attending an authorised parade or when in annual camp.

(4a) National Cadet Corps Officers of the Senior and Junior Divisions who proceed on study leave, long leave or posted away to perform some other duties and are permitted to keep lien with their Schools/Colleges, shall be placed on Supernumerary List for a period not exceeding two years unless Government in a special case agree to extend it. This period shall not be counted towards their seniority for promotions in the National Cadet Corps.

(4aa) Where an officer is transferred to a college or school having no unit or vacancy in any unit to absorb him, he shall be placed on supernumerary list for a period not exceeding one year at the discretion of the Director, National Cadet Corps. This period shall not count towards his seniority for promotion in the National Cadet Corps.

(4. b) Where an officer is discharged under sub-rule (2) of Rule 28, the period from the date he ceased to perform his duties under the Act to the date of his discharge shall not be counted for the purpose of seniority or promotion or other benefits in the National Cadet Corps.

(5) The powers of punishment of officers are specified in Part X of these Rules.

27. Promotions.—The ranks and scales of substantive promotions of officers of the Senior and Junior Divisions shall be as specified in paragraph 2 of Schedule III and those of acting promotions of officers of the Senior Division shall be as specified in paragraph 3 of that Schedule.

PART VII
DISCHARGE

28. Discharge.—(1) Every officer and cadet shall, on becoming entitled to receive his discharge under the Act or these Rules, be so discharged with all convenient speed.

(2) Any officer or cadet may be discharged as hereinafter provided on any of the following grounds, namely—

(a) that he has been convicted by a criminal Court of an offence punishable with transportation or imprisonment;

(b) that he has in filling up any form prescribed by these Rules or otherwise for the purpose of obtaining his enrolment or appointment made any statement which was false and which he knew to be false or did not believe to be true;

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(c) that his services are no longer required;

(d) that he is medically unfit for further service;

(e) that in the case of an officer, he has been permitted to resign his commission;

(f) that he ceases to be on the staff of or on the roll of the college or school, as the case may be, providing the unit or part thereof to which he had been posted or appointed.

29. Discharging authority.—(1) The authority competent to authorise the discharge of an officer shall be the Ministry of Defence, Government of India.

(2) The authority competent to authorise the discharge of a cadet appointed to a unit of the Junior Division shall be the Headmaster of the School providing the unit or part thereof:

Provided that a Cadet of the Junior Division discharged under clause (c) of sub-rule (2) of Rule 28 shall have the right of appeal to the District Inspector of Schools or such other Educational authority as may be specified in this behalf by the State Government, who may direct that the discharge order shall be cancelled.

(3) The authority competent to authorise the discharge under each of the provisions specified in column (1) of the Table annexed hereto of a cadet appointed to a unit of the Senior Division shall be the authority specified in the corresponding entry in column (2) thereof.

TABLE.

Provision under which discharge authorised.	Authority competent to authorise discharge of cadet.
(1)	(2)
Sub-rule (1) of Rule 28.	The Commanding Officer.
Clause (a) of sub-rule (2) of Rule 28.	The Commanding Officer.
Clause (b) of sub-rule (2) of Rule 28.	Vice-Chancellor of the University, or the Director of Public Instruction or any officer of the Education Department specified in this behalf by the State Government.
Clause (c) of sub-rule (2) of Rule 28.	
Clause (d) of sub-rule (2) of Rule 28.	The Commanding Officer on the recommendation of a Medical Officer.
Clause (f) of sub-rule (2) of Rule 28.	The Commanding Officer.

(3-A) From every order of the authority specified in column (2) of the Table referred to in sub-rule (3), an appeal shall lie to the State Government and subject to the orders passed on appeal by the State Government the orders of the said competent authority shall be final.

(4) A discharge duly authorised shall be carried out by the Commanding Officer, in the case of the Senior Division ,and the Headmaster, in the case of the Junior Division, with all convenient speed.

30. Discharge on application.—(1) Senior Division.—(a) Any officer or cadet of the Senior Division not entitled to his discharge under the Act or these Rules who is desirous of being discharged prior to the expiration of the period

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for which he was commissioned or enrolled, shall apply in writing to the officer Commanding the unit to which he has been posted or appointed stating the reasons for the application.

(b) The Commanding Officer shall forward the application with his own recommendation thereon, to the Vice-Chancellor of the University or to the Director of Public Instruction as may be specified in this behalf by the State Government. The Vice-Chancellor or the Director of Public Instruction may, in the case of a cadet, either grant such application or reject it.

(c) In the case of an officer, the Vice-Chancellor or the Director of Public Instruction shall forward the application with the recommendation thereon through the State Government to the Ministry of Defence, Government of India, who may either grant such application or reject it.

(2) **Junior Division.**—(a) Any officer or cadet of the Junior Division not entitled to his discharge under the Act or these Rules, who is desirous of being discharged prior to the expiration of the period for which he was commissioned or enrolled, shall apply in writing to the Headmaster of the school which is providing the unit or part thereof and to which he has been posted or appointed stating the reasons for the application.

(b) The Headmaster may, in the case of a cadet, either grant such application or reject it.

(c) The Headmaster, in the case of an officer, shall forward the application with his own recommendation thereon to the Director of Public Instruction. The Director of Public Instruction, shall forward the application with his recommendation thereon to the Ministry of Defence, Government of India, who may either grant such application or reject it.

31. Discharge certificate.—Every person subject to the Act who is discharged from the Corps shall be furnished by his Commanding Officer or his Headmaster with a certificate setting forth.

(a) the authority dismissing or discharging him;

(b) the cause of his dismissal or discharge;

(c) the full period of his service in the National Cadet Corps.

PART VIII

TRAINING

32. Preliminary Service Training.—Every person who has been selected by a Selection Board for appointment as an officer in the National Cadet Corps in the manner specified hereintofore in these Rules, shall undergo preliminary Services training with an Armed Forces unit for periods as below:—

(a) an applicant for the Junior Division—2 months.

(b) an applicant for the Senior Division, Infantary or Medical Unit—3 months.

(c) an applicant for the Senior Division Artillery, or Engineering Units—4 months.

(d) an applicant for the Senior Division, Signal or E.M.E. Units—5 months.

(e) an applicant for the Senior Division Armoured Corps, Signal or E.M.S. Units—5 months.

(f) an applicant for the Senior Division Naval Wing Unit—4 months.

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32-A. Officers special Course.—(1) A special pre-commission training course covering a period of nine months for selected members of the teaching staff of colleges/institutions providing N.C.C., Senior Division and N.C.C. Rifles units will be run at the N.C.C. Academy, Purandhar; this course shall be of three terms of three months each. Selected N.C.C. officers who have not done a similar course may also be admitted to this course, but in their case the period of training will be reduced to six months (2nd and 3rd terms only.).

(2) Save as provided below, the terms and conditions of the special course shall be governed by these Rules:—

(a) the candidates for the special course shall be under thirty years of age (relaxable by 5 years in special cases);

(b) at the end of first term, successsful candidates will be granted N.C.C. Commission;

(c) those trainees who successfully complete the full course will be granted three years antedate in seniority.

33. Service Training.—(1) Every officer and cadet who has been posted, or appointed to a unit or part thereof of the Senior or Junior Division shall be liable to undergo service training for a period of at least 4 hours per week during the training year:

Provided that no training may be carried out during periods when the college or school in which a unit or part thereof is located is closed for vacations:

Provided that every officer and cadet of the Senior and Junior Division shall undergo service training for a minimum period of 65 hours during the annual college and school sessions, as the case may be.

(2) Every officer and cadet who has been posted or appointed to a unit or part thereof shall also be liable during the training year to attend an annual training camp of 14 days duration in the case of a Senior Division unit and of 10 days duration in the case of a Junior Division unit.

34. Further Service Training.—(1) Every officer of the Senior or Junior Division shall, in addition to the training prescribed by Rules 32 and 33, be liable for such periods of further service training with an Armed Forces Unit as may be directed by the Ministry of Defence, Government of India.

(2) Every cadet of the Senior or Junior Division shall, in addition to the training prescribed by Rule 33, be liable to undergo such further service training for which he may volunteer and which may from time to time be sanctioned by the Ministry of Defence, Government of India, or by the State Government.

34-A. Social Service training. – Every officer and cadet of the Senior or the Junior Division shall, in addition to the training prescribed by Rules 32, 33 and 34, be liable to undergo such Social Service training and for such period as the Government of India in the Ministry of Defence may, from time to time, direct.

PART IX

PAY AND ALLOWANCES

35. Pay.—(1) Every officer commissioned in the National Cadet Corps and posted to a unit of the Senior Division shall be entitled—

(a) for every day, not exceeding 15 days in all, actually spent in the annual training camp;

(b) for periods of actual attendance at the Combined Cadre and Service Camps and at authorised courses of instruction in Armed Forces

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Schools, and with Armed Forces Units, including intervening Sundays and holidays, to such pay as is specified in Schedule II:

Provided that N.C.C. Officers attending the Officers Special Course at the N.C.C. Academy, Purandhar, shall not be entitled to pay of rank, but shall be entitled only to their normal pay as teachers.

(c) to an outfit allowances of Rs. 250/- on being first commissioned:

Provided that an officer, who has already drawn such an allowance as a commissioned officer in the University Corps of the Indian Territorial Force, shall not be entitled to such outfit allowance.

(d) to an outfit allowance of Rs. 50/- for the maintenance of his uniform at the end of every year of service in the National Cadet Corps;

(e) to an honorarium of (Rs.75/-) per month for a period of 12 months in a year.

(2) Every officer commissioned in the National Cadet Corps and posted to a unit of the Juior Division shall be entitled for periods of actual attendance at the Combind Cadre and Social Service Camp, and at authorised courses of instruction in Armed Forces Schools and with Armed Forces Units including intervening Sundays and holidays to such pay as is specified in Schedule II.

(3) Every officer commissioned in the National Cadet Corps and posted to a unit of the Junior Division shall be entitled to receive at the end of the training year an honorarium as specified in Schedule II on condition that he has attended the annual training camp of his unit in such a training year, or has attended a course at the training centre during the actual period of the training camp.

(4) A cadet appointed to a unit or part thereof of the Senior or Junior Division shall not be entitled to pay.

(5) Every officer commissioned in the National Cadet Corps and posted to a unit of the Junior Division will be paid an honorarium of Rs.35/- per month for a period of 9 months in a year.

Explanation.—The payment of honorarium under clause (e) of sub-rule (1) and under sub-rule (5) shall be in addition to the pay admissible to the officer concerned.

36. Allowances.—(1) Every officer and cadet of the Senior and Junior Division posted or appointed to a unit or part thereof shall be entitled to such allowance as are specified in Schedule II.

(2) Every person selected for appointment as an officer and proceedings to an Armed Forces unit for training as specified in sub-rule (3) of Rule 21, shall be entitled to such allowances as are specified in Schedule II.

PART X
DISCIPLINE

37. Service obligations.—(1) An officer or cadet shall have no liability to render active service in any of the Armed Forces of the Union.

(2) Every officer and cadet shall, when undergoing training, obey the orders and carry out the directions of any person who is placed in command over him irrespective of whether that person is subject to any law relating to the Armed Forces or in the Act.

38. Offences.—An officer or cader posted or appointed to a unit or part thereof of the Senior or Junior Division or an applicant for appointment as an officer attached to an Armed Forces unit for preliminary training as specified in

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sub-rule (3) of Rule 21, when undergoing training, commits an offence, if he does any of the following Acts, namely:—

(1) When on parade engaged on any service duty, or wearing uniform—

(a) strikes or uses or offers voilence to, or uses threatening or insubordinate language to, or behaves with contempt towards his superior officer; or

(b) disobeys any standing order of, or lawful command given by, his superior officer; or

(c) neglect to obey a general or unit order, made specially applicable to the National Cadet Corps, by the Officer Commanding the unit to which he belongs; or

(d) is in a state of intoxication; or

(e) being an officer or cadet non-commissioned officer strikes or illtreats any person subject to any law relating to the Armed Forces or to the Act, who is his subordinate in rank or position;

(2) Without sufficient cause fails to appear at the time fixed or to attend at any place in his capacity as a member of the National Cadet Corps, when duly required so to attend or when on parade without sufficient cause quits the ranks;

(3) Without sufficient cause fails to perform any part of the training which by or under the Act he is required to perform;

(4) Strikes, or uses or offers violence to any person whether subject to any law relating to Armed Forces or not in whose custody he is placed, and whether such person is or is not his superior officer;

(5) resists an escort whose duty it is to arrest him or detain him in custody,

(6) being under arrest or detention or otherwise in lawful custody escapes or attempts to escape;

(7) When in charge of any property belonging to any Government in India or to a unit or part thereof of the National Cadet Corps, makes away with, or is concerned in making away with, any such property;

(8) Wilfully injures, or by culpable neglect loses or causes injuries to any such property as in clause (7) or to property belonging to an Armed Forces unit, institute or mess;

(9) Knowingly furnishes a false return or Report of the number or state of men under his command or charge, or of any money, arms or ammunition, clothing, equipment, stores or other property in his charge;

(10) Through design or culpable neglect, omits to make or send any return of any matter mentioned in clause (9) which it is his duty to make or send;

(11) When it is his official duty to make a declaration respecting any matter, makes a declaration respecting such matter which he either knows or believes to be false or does not believe to be true;

(12) Knowingly makes against any person subject to any law relating to the Armed Forces or to the Act ,an accusation which he either knows or believes to be false or does not believe to be true;

(13) Falsely personates any other person at any parade or on the occasion when such other person is required by or under the Act to do any act or attend at any place, or abets any such act of personation.

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Explanation.—The expression "Superior Officer" means and includes an officer, Warrant Officer and Non-Commissioned Officer, as the case may be, whether subject to any law relating to the Armed Forces or to this Act, superior in rank or position to the person with reference to whom the expression is used.

39. Disposal of Offences.—(1) A charge made against an officer or an applicant for appointment as an officer for any offence specified in Rule 38 shall after investigation by the Officer Commanding an Armed Forces unit to which the offender is attached for training or by the Officer Commanding the unit to which the offender belongs or by the Headmaster of the School which is providing the unit or part thereof of the Junior Division to which the offender belongs, be dealt with by him in one or other of the following ways, that is to say, he may:—

(a) dismiss the charge if no offence is disclosed by the evidence, or if in his opinion the charge ought not to be proceeded with; or

(b) dispose of the case summarily; or

(c) take steps for bringing the offender to trial by a Criminal Court; or

(d) refer the matter to superior authority for instruction and act in accordance with the instructions so received.

(2) A charge made against a cadet non-commissioned officer or cadet, of any offence specified in Rule 38, shall after investigation by the Officer commanding an Armed Forces unit to which the offender is attached for training or by the Officer Commanding the unit to which the offender belongs or by the Headmaster of the School providing a unit or part thereof the Junior Division to which the offender belongs, be dealt with by him in one or other of the following ways, that is to say, he may:—

(a) dismiss the charge if no offence is disclosed by the evidence, or if in his opinion the charge ought not to be proceeded with; or

(b) dispose of the case summarily; or

(c) take steps for bringing the offender to trial by a Criminal Court; or

(d) refer the matter to superior authority for instructions and set in accordance with the instructions so received.

Explanation.—(1) The Superior authority for the purposes of sub-rule (1) shall be—

(a) in the case of an officer or an applicant for appointment as an officer attached to an Armed Forces until for training, the Commander of the Sub-Area or equivalent Commander of the Indian Navy or Indian Air Force in a Part A State or the Commander of the State Forces in a Part B State, as the case may be, in which the Armed Forces unit is located.

(b) in the case of an officer of the Senior Division charged with an offence who has at the time of offence serving with a unit or part thereof of the Senior Division, the Secretary of the Department governing the National Cadet Corps organisation in the State, or the Vice-Chancellor of a University or the Director of Public Instruction or the Head of the Department controlling a particular college or institution, empowered in this behalf by the State Government ;

(c) in the case of an officer of the Junior Division charged with an offence who was at the time of the offence serving with a unit or part thereof of the Junior Division, the Director of Public Instruction.

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(2) The superior authority for the purposes of sub-rule (2) shall be—

(a) in the case of a cadet non-commissioned officer or cadet of the Senior Division attached to an Armed Forces Unit for training the Commander of the Sub-Area or equivalent Commander of the Indian Navy or Indian Air Force or of the State Forces as the case may be in which the Armed Forces unit is located;

(b) in the case of a cadet non-commissioned officer or a cadet of the Senior Division serving with a Senior Division unit or part thereof at the time of the offence, the Vice-Chancellor of a University or the Director of Public Instruction(or the Head of the Department controling a particular college or institution, empowered in this behalf by the State Government;

(c) in the case of a cadet non-commissioned officer or a cadet of the Junior Division serving with a unit or part thereof of the Junior Division at the time of the offence, the Director of the Public Instruction.

(3) A charge made against a cadet non-commissioned officer or cadet of any offences specified in sub-rules (1), (2), (3), (9), (10), (11), (12) and (13) of Rule 38 shall, after investigation by the officer in command of a sub-unit of the Senior Division or a unit or sub-unit of the Junior Division to which the offender belongs, be dealt with by him in one or other of the following ways, that is to say, he may:—

(a) dismiss the charge if no offence is disclosed by the evidence, or if in his opinion the charge ought not to be proceeded with; or

(b) dispose of the case summarily; or

(c) refer the matter to the Commanding Officer, in the case of the Senior Division, or to the Headmaster of the School providing the unit or sub-unit, in the case of the Junior Division.

40. Summary reduction and punishments.—(1) The Secretary, Ministry of Defence, Government of India may award any of the following punishments to an officer or an applicant for appointment as an officer:—

(a) dismissal from the Corps ;

(b) reduction to a lower rank ;

(c) forfeiture of seniority of service for the purpose of a promotion for a period not exceeding twenty-four months;

(d) severe reprimand or reprimand ;

(e) forfeiture, in the case of an officer punished with dismissal, or arrears of pay and allowances and other public money due to him at the time of such dismissal;

(f) stoppage of pay and allowances until any proved loss or damage occasioned by the offence of which the offender is charged is made good;

(g) fine not exceeding rupees fifty.

(2) An officer having power not less than that of a Sub-Area or equivalent Commadder of the Indian Navy or Indian Air Forces or the State Forces may award any of the following punishments to an officer or an applicant for appointment as an officer or a cadet non-commissioned officer, attached to an Armed Forces unit for training—

(a) forfeiture of seniority or service for the purpose of promotion for a period not exceeding twelve months ;

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(b) dismissal from the Corps, in the case of an applicant for appointment as an officer ;

(c) severe reprimand or reprimand ;

(d) stoppage of pay and allowances until any proved loss or damage occasioned by the offence of which the offender is charged is made good;

(e) reduction, in the case of a cadet non-commissioned officer, to a lower grade or class or to the ranks as a cadet :

Provided that a cadet non-commissioned officer, reduced to the rank of cadet shall not continue to be attached to the Armed Forces unit for training.

(3) The Secretary of the Department governing the National Cadet Corps organisation in the State or the Vice-Chancellor of a University or the Director of Public Instruction, or the head of the Department controlling a college or institution empowered in this behalf by the State Government, may award any of the following punishments :—

(a) in the case of an officer—

(i) forfeiture of seniority or service for the purpose of promotion for a period not exceeding twelve months ;

(ii) severe reprimand or reprimand ;

(iii) stoppage of pay and allowances until any proved loss or damage occasioned by the offence of which the offender is charged is made good ;

(iv) fine not exceeding rupees ten.

(b) in the case of a cadet non-commissioned officer—

(i) dismissal from the Corps ;

(ii) reduction to a lower grade or class or place in the lost of his rank or a lower rank or to the rank as a cadet :

Provided that a cadet senior under-officer shall not be required to serve in the unit or part thereof as a cadet ;

(iii) severe reprimand or reprimand ;

(iv) fine not exceeding rupees twenty.

(c) in the case of a cadet—

(i) dismissal from the Corps ;

(ii) severe reprimand or reprimand

(iii) fine not exceeding rupees thirty.

(4) An officer commanding an Armed Forces unit to which a person subject to the Act is attached for training or an Officer Commanding the unit may award any of the following punishments:—

(a) in the case of an officer, below the rank of Captain, Flight Lieutenant of the First Officer—

(i) Admonishment ;

(ii) extra duties not exceeding two.

(b) in the case of an applicant for appointment as an officer—

(i) severe reprimand or reprimand;

(ii) admonishment ;

(iii) extra parades and duties not exceeding two.

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(c) In the case of a cadet non-commissioned officer—

(i) reduction, in the case of a cadet non-commissioned officer above the rank of Sergeant to a lower grade or rank, and in the case of other cadet non-commissioned officers, to a lower grade or rank or to the ranks :

Provided that a cadet senior under-officer and cadet under-officer shall not be required to serve in the unit or part thereof below the rank of cadet Sergeant.

(ii) severe reprimand or reprimand ;

(iii) extra parades and duties not exceeding three ;

(iv) admonishment.

(d) in the case of a cadet—

(i) severe reprimand or reprimand ;

(ii) extra parades not exceeding three;

(iii) extra guards and plequets not exceeding two for offences on those duties ;

(iv) confinement to the lines for a period not exceeding seven days during the annual training camp ;

(v) fine not exceeding rupees ten by the Officer Commanding the Senior Division unit only.

(5) An officer in command of a sub-unit of the Senior Division may award to enrolled persons appointed to his sub-unit any of the following punishments :—

(a) In the case of a Cadet Sergeant and Cadet Corporals—

(i) extra duties not exceeding two ;

(ii) admonishment;

(b) In the case of Cadet Lance Corporals—

(i) reducation to the ranks as a cadet ;

(ii) severe reprimand or reprimand ;

(iii) extra duties not exceeding two ;

(iv) admonishment.

(c) In the case of a Cadet—

(i) severe reprimand or reprimand ;

(ii) extra parades not exceeding three ;

(iii) extra guards and plequets not exceeding two for offences on those duties;

(iv) confinement to the lines for a period not exceeding three days during the annual training camp.

(6) A Headmaster of a School, providing a unit or part thereof of the Junior Division, may award to persons posted or appointed to his unit any of the following punishments:—

(a) In the case of an officer—

(i) admonishment ;

(ii) stoppages out of the annual honorarium until any proved loss or damage occasioned by the offence of which the offender is charged is made good.

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Explanation.—When an officer commits an offence, which in the opinion of the Headmaster requires that the officer should not serve with the unit or part thereof until the orders of the Superior Authority have been obtained, he shall immediately suspend the officer and order him not to serve with the unit or part thereof until such orders have been received.

(c) In the case of a cadet non-commissioned officer and cadets—

(i) dismissal from the Corps ;

(ii) reduction, in the case of a cadet non-commissioned officer to a lower rank or to the ranks as a cadet:

Provided that a Cadet Troop Leader shall not be required to serve in the unit or part thereof as a cadet.

(iii) severe reprimand or reprimand ;

(iv) admonishment.

(7) An officer placed in command of a unit or sub-unit of the Junior Division may award to enrolled persons appointed to his sub-unit any of the following punishments:—

(a) In the case of a cadet non-commissioned officer—

(i) reduction, except of a Cadet Troop Leader, to a lower rank or to the ranks as a cadet;

(ii) severe reprimand or reprimand;

(iii) extra duties not exceeding two;

(iv) admonishment.

(b) In the case of a cadet—

(i) severe reprimand or reprimand;

(ii) extra parades not exceeding three;

(iii) extra guards and picquets not exceeding two for offences on those duties;

(iv) confinement to the lines for a period not exceeding three days during the annual training camp.

41. Recovery of fines.—The person authorised to award a fine under Rule 40 shall take the following steps for recovery of the fine:—

(1) He shall inform the offender that a fine upto a specified amount has been awarded to him and shall call upon him to pay it at once or within a period of time not exceeding 21 days from the date of the award.

(2) He shall immediately inform the Principal of the College or the Headmaster of the School to which the offender belongs that a fine of a specified amount has been awarded to the offender, the time limit allowed to the offender for payment of the amount of fine and shall request the Principal or the Headmaster as the case may be that the fine be collected from the offender within the specified time.

(3) The Principal of the College or the Headmaster of the School to which the offender belongs shall thereupon take such action as is customary in the college or school to recover the total amount of the fine imposed on the offender, if the offender fails to pay the specified amount within the time allowed to the offender.

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(4) The Principal or the Headmaster shall send an intimation in writing to the appropriate authority regarding the action which he is taking to recover the fine, if it has not been paid within the time allowed to the offender. The Principal or the Headmaster may allow additional time, not exceeding 14 days, from the date of expiry of the time allowed to the offender by the person making the award, for payment of the fine.

(5) If the offender fails to pay the fine within the time allowed by the Principal or the Headmaster, the Principal or the Headmaster shall make a report to the appropriate authority.

(6) On receipt of a report, the appropriate authority shall send a certified copy of the award to the District Magistrate or the Chief Presidency Magistrate, as the case may be, having jurisdiction in the area in which the fine has been imposed.

(7) On receipt of a certified copy, the District Magistrate or the Chief Presidency Magistrate as the case may be, shall recover the fine in accordance with the provisions of the Criminal Procedure Code, 1898, as if it has been imposed by him and shall remit the amount recovered to the officer concerned.

(8) On realisation of the fine from the offender, the officer concerned shall credit the amount to the State Government.

Explanation.—In this Rule, the expression "appropriate authority" means—

(1) In the case of a College, the Secretary of the Department governing the National Cadet Corps organisation in the State or the Vice-Chancellor of the University or the Director of Public Instruction, or the Head of the Department controlling a particular college or institution, empowered in this behalf by the State Government.

(2) In the case of a School—

(a) Where a school is under the jurisdiction of a District Inspector of Schools, such Inspector.

(b) In any other case, such Education Authority as may be specified in this behalf by the State Government.

PART XI.

ADVISORY COMMITTEES

42. Constitution and procedure of Advisory Committees.—(1) A Central Advisory Committee shall be constituted in accordance with the provisions of Section 12 of the Act. The Director of the National Cadet Corps shall be the Secretary of the Committee.

(2) A State Advisory Committee shall be constituted as follows:—

(a) the Minister of Education in the State, having Legislature or the Advisor to the Governor in charge of the Education portfolio in a State, where for the time being, no Legislature is functioning, or the Administrator in a union territory who shall be the Chairman of the Committee;

(b) the Secretary of the Education Department of the State concerned or if the National Cadet Corps is Controlled by any other department then the Secretary of that Department;

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(c) the Vice-Chancellor of each University, if any, in the State:

Provided that if the Vice-Chancellor is unable to attend any meeting of the Advisory Committee, he may depute the Pro-Vice-Chancellor or Deputy Vice-Chancellor, or where there is no Pro-Vice-Chancellor or Deputy Vice-Chancellor, any officer of the University not below the rank of the Registrar to attend such meeting on his behalf.

(d) the Director of Public Instruction, if any, of the State;

(e) one representative of the General Officer Commanding-in-Chief from the Staff of the Headquarters of the Command or Area or Sub-Area concerned;

(ee) two Principals from Colleges, which provides a unit of the Senior Division/Girls Division (Senior Wing) to be nominated annually by the State Government;

(f) two Headmasters/Headmistresses of Schools which provide a unit of the Junior Division/Girls Division (Junior Wing) to be nominated annually by the State Government;

(g) the Commander of the Circle Cadet Corps, concerned;

(h) three non-official members, of whom one shall be a woman and another shall be a member of the State Legislature, or a non-official in case there is no Legislature for the time being functioning in the State to be nominated annually by the State Government,

(i) the member, if any of the Central Advisory Committee residing in the State;

(j) one representative of Finance Department of the State Government;

(k) not more than one official, if in the opinion of the State Government, he is likely to promote the interests of the National Cadet Corps.. ....to be nominated annually by the State Government.

A Senior Officer of the Education Department to be nominated by the State Government, shall be the Secretary of the Committee.

(3) A recommendation on any matter concurred in by the majority of the members of the Advisory Committee shall be deemed to be the recommendation of the Committee.

(4) Minutes shall be kept of every meeting of an Advisory Committee. One copy of such minutes shall be forwarded to the Director, National Cadet Corps.

43 Powers, duties and functions of Advisory Committees.—(1) The Central Advisory Committee shall advise the Central Government on such matters affecting the National Cadet Corps as a whole as it may refer to the Committee.

(2) A State Advisory Committee shall ordinarily meet at least twice a year and may, in relation to those portions of the National Cadet Corps which are located within the State —

(a) make recommendations and tender advice to the Central Government and to the State Government upon the following matters:—

(i) the formation of new units and disbandment of existing units;

(ii) the selection of the Colleges and Schools which should raise units or sub-units;

(iii) the selection of persons for appointment as officers in the Senior and Junior Divisions;

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(iv) any other matter which may be referred to it by the Central Government or the State Government or the Director, National Cadet Corps, as the case may be;

(b) issue direction and tender advice to officers Commanding units of the Senior Division and to the Director of Public Instruction on the following matters:—

(i) improvement of training and training facilities for cadets;

(ii) improvement of discipline in the units;

(iii) the general welfare of officers and cadets.

PART XII.

MISCELLANEOUS.

44. Power to delegate.—The Ministry of Defence, Government of India, may by order in writing direct, that any power exercisable by it under these Rules, may also be exercised by the Director, National Cadet Corps.

45. Grant of Honorary rank and wearing of uniform on retirement or Resignation—Offences.—(1) Subject to the provisions of Part IV of these Rules, a person commissioned in the National Cadet Corps, on retirement, or on resignation of his commission, after 20 years service in all, including service rendered in Regular Armed Forces, University Officers Training Corps/Indian Territorial Force or Territorial Army, when such service is counted towards his seniority in the National Cadet Corps under Rule 26 of the said Rules, may be granted an honorary rank in the National Cadet Corps:

Provided that he is recommended by his Commanding Officer, the Circle Commander and the Director, National Cadet Corps.

(2) Recommendation accompanied by a statement of service will be forwarded through the usual channel to the Ministry of Defence, Government of India.

(3) If the Ministry of Defence, Government of India, is satisfied that the officer so recommended is suitable, the grant of such honorary rank will be notified in the Official Gazette.

(4) When such an officer is granted an honorary rank by a notification in the Official Gazette he is entitled to the style and use of his honorary rank at all times should be so desire.

(5) The wearing of uniform by such an officer is restricted to the following occasions, namely:—

(a) Military, Naval or Air Force parades as spectators;

(b) Military, Naval, Air Force or civil functions for which uniform is prescribed.

(c) When summoned to an interview by a regular officer of the Armed Force.

(d) When attending National Cadet Corps functions.

46. Power of the Central Government to establish subsidiary organisation.—The Central Government may, from time to time, by general or special order, establish or constitute such organisations in the Directorate of National Cadet Corps, as may be considered necessary or desirable in the opinion of the Central Government for carrying out the objects of the Act.

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SCHEDULE I.

[See Rules 7, 11, 13, 17, 18 and 21.]

FORM I.

National Cadet Corps Senior Division Enrolment Form

[See Rules 7 and 11.]

APPLICATION FOR ENROLMENT.

1.	What is your name? (in Block Capitals).	1..... .....
2.	What is your * father's/Guardian's name and address?	2. Name..... Address..... .....
3.	Are you a citizen of India or a subject of Nepal?	3.....
4.	What is your Village, Tehsil or Taluka, and District?	4. Village..... Tehsil or Taluka..... ..... District.....
5.	What is your Post Office?	5.....
6.	What is your Railway Station?	6.....
7.	What are your Educational Qualifications?	7.....
8.	What is your age?	8.....
9.	Have you ever been convicted by a criminal Court, and if so, in what circumstances and what was the sentence ?	9 .....
10.	In which college are you now studying?	10.....
11.	Are you willing to be enrolled under the National Cadet Corps Act, 1948?	11.....
12.	In which unit do you desire to be enrolled?	12..... .....
13.	Are you willing to undergo service training as specified in the Act and the Rules made thereunder?	13.....
14.	Are you willing to serve in the National Cadet Corps until discharged as provided in the Act?	14.....

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15. Have you ever previously applied for enrolment under the Act, and if so, with what result? 15.....

16. Have you been dismissed from the National Cadet Corps, the Territorial Army of the Indian Armed Forces? 16.....

.....

Signature of applicant.

Declaration on Acceptance for Enrolment

I solemnly declare that the answers I have given to the questions in this form are true and that no part of them is false and that I am willing to fulfil the engagement made.

I.....promise that I will honestly and faithfully serve my country and abide by the Rules and Regulations of the National Cadet Corps and that I will, to the best of my ability, attend all parades and camps which I may be required to attend by my Commanding Officer.

I understand I have no service liability.

.....

Signature.

*** for Minors only .**

I solemnly declare that the answers given in this form are true and no part of them is false, and that my * son/ward is willing to fulfil the engagement made.

I understand my * son/ward has no service liability.

.....

Signature of * father/guardian.

Certified that the applicant understands and agrees to the conditions of enrolment.

*** For Minors only**

Certified that the applicant and his * father/guardian understand and agree to the conditions of enrolment.

.....

Signature of Enrolling Officer.

To be completed by Medical Officer before Enrolment

I have examined (name).....on (date) and consider him * fit/unfit for enrolment as a Cadet in the National Cadet Corps.

Signature.....

Designation.....

(Medical Officer).

* Delete clause or word inapplicable.

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To be used for extension of Enrolment

[*See Rule 13*]

A. I agree to extend my enrolment for one year and am willing to fulfil the engagement made.

Signature.....

Confirmed.

.....

Signature of Commanding Officer.

Date from which extension starts.....

B. I agree to extend my enrolment for one year and am willing to fulfil the engagement made.

.....

Signature

Confirmed.

.....

Signature of Commanding Officer.

Date from which extension starts .....

Note.—This form will be retained in the Unit Headquarters.

FORM II.

National Cadet Corps

[*See Rules 7 and 11*].

APPLICATION FOR ENROLMENT.

1.	What is your name (in Block Capitals).	1.....
2.	What is your * father's/ guardian's name and address.	2 Name..... Address.....
3.	Are you a citizen of India or a subject of Nepal?	3.....
4.	What is your Village, Tehsil or Taluka and District?	4..... Village..... Tehsil or Taluka..... District.....
5.	What is your Post Office?	5..... .....
6.	What is your Railway Station?	6.....
7.	What are your educational Qualifications?	7.....
8.	What is your age?	8.....
9.	In which School are your now studying?	9.....
10.	Are you willing to be enrolled under the National Cadet Corps Act, 1948?	10.....

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11. Are you willing to serve in the National Cadet Corps until discharged as provided in the Act? 11.....

12. In which unit do you desire to be enrolled? 12.....

13. Are you willing to undergo service training as specified in the Act and Rules made thereunder? 13.....

14. Have you ever previously applied for enrolment under the Act, and, if so, with what result? 14..... .....

15. Have you been dismissed from the National Cadet Corps? 15.. .....

.....

Signature of the Applicant.

Declarations on acceptance for Enrolment

I..... .....promise that I will honestly and faithfully serve my country and abide by the Rules and Regulations of the National Cadet Corps and that I will, to the best of my ability, attend all parades and camps which I may be required to attend by my Commanding Officer.

.....

Signature of Applicant

I solemnly declare that the answers given to the questions in this form are true and that no part of them is false, and my * son/ward is willing to fulfil the engagement made.

.....

Signature of * father/guardian.

Certified that the applicant and his * father/guardian understand and agree to the conditions of enrolment.

.....

Signature of enrolling Officer.

Date of Enrolment.....

To be completed by Medical Officer before Enrolment

I have examined (name)..... .....on (date) and consider him * fit/unfit for enrolment as a Cadet in the National Cadet Corps.

Signature.....

Designation.....

(Medical Officer.)

* Delete words inapplicable.

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To be used for extension of Enrolment

My * son/ward agrees to extend his enrolment for one year and is willing to fulfil the engagement made.

.....
Signature of * father/guardian.

Confirmed.

.....
Signature of Headmaster.

Date from which extension starts.....

* Delete words inapplicable.

Note.—This form will be retained in the School in which the unit is located

FORM III.

NATIONAL CADET CORPS

APPLICATION FOR APPOINTMENT AS AN OFFICER

[See Rules 17, 18 and 21.]

1.	What is your full name? (in Block Capitals)	1. .....
2.	What * is/was your fathers' name and address?	2. ..... Address.....
3.	Are you a citizen of India or a subject of Nepal?	3. .....
4.	What is your Village, Tehsil or Taluka and District?	4. .....Village, Tehsil or Taluka..... District.....
5.	What is your Post Office?	5. .....
6.	What is your Railway Station?	6. .....
7.	What are your Educational Qualifications?	7. .....
8.	What is your date of birth?	8. .....
9.	What is your present appointment?	9. .....
10.	Have you ever been convicted by a Criminal Court, and if so, in what circumstances, and what was the sentence?	10. .....

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11.	Have you ever served in the Indian Armed Forces, the Reserve Indian Territorial Force, Territorial Army, the Indian States Forces or the Nepal State Army? If so, state in which the period of service and the cause of discharge.	11. .....
12.	Are you willing to be appointed under the National Cadet Corps Act, 1948.	12. .....
13.	In which unit do you desire to be appointed?	13. .....
14.	Are you willing to undergo service training as specified in the Act and the Rules made thereunder?	14. .....
15.	Are you willing to serve in the National Cadet Corps until discharged as provided in the Act?	15. .....
16.	Have you ever previously applied for appointment under the Act and if so, with what result?	16, ...
17.	Have you been dismissed from the National Cadet Corps, the Territorial Army or the Indian Armed Forces?	17. .....
18.	Are you willing to obey the orders of officers placed in command over you and obey such Rules and Regulations laid down by the Commanding Officers when you undergo preliminary training with an Armed Forces unit as specified in sub-rule (3) of Rule 21 ?	18. .....

.....
Signature of Applicant.

Questions to be Answered by the Principal or the Headmaster to whom an Application is made

1.	How long have you known the applicant?	1. .....

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2.	(i) Is the applicant a permanent member of your teaching staff?	2. (i).....
	(ii) Since how long has he been on your teaching staff?	(ii).....
3.	What is his present job in the * College/School?	3. .....
4.	Has he ever served in the University Officer's Training Corps or the National Cadet Corps—	4. .....
	(a) As a Cadet?	(a).....
	(b) As an Officer?	(b).....
	(c) If in the National Cadet Corps, State Certificate obtained whilst as a Cadet ?	(c).....
5.	What games does he play and what is his proficiency at them?	5. .....
6.	Has he the requisite physical Qualifications?	6. .....
7.	Do you recommend him, for a commission in the National Cadet Corps ?	7. .....

.....

Signature of * Principal/Headmaster

.....

Name of * College/School.
Town and District.

Declaration on acceptance of Application

I solemnly declare that the answers I have given to the questions in this form are true and that no part of them is false, and that I am willing to fulfil the engagement made.

I undertake that in case after having been commissioned in the Corps, I desire to have the College/School, in which is located the Unit to which I am posted under Rule 23, I shall give 6 months/3 months notice in writing to the Principal of my College/Headmaster of my School of my intention to leave the College/School.

I understand I have no service liability.

.....

Signature of applicant.

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Certified that the applicant understands and agrees to the conditions of appointment.

.....

Signature of President of Selection Board.

Date of Signature.....

To be completed by Medical Officer

I have examined (name).....on (date) and consider him * fit/unfit for employment, as an officer in the National Cadet Corps.

Signature.....

Designation.....

(Medical Officer).

* Delete words inapplicable.

Note.— The form will be sent to the Armed Forces unit by the Director of Public Instruction when the applicant proceeds to it for Preliminary service training. The form, with report on the applicant on the completion of training will be sent to the Director, National Cadet Corps, Ministry of Defence, Government of India.

SCHEDULE II

[See Rules 35 and 36]

Rates of Pay, Honorarium and Allowances Admissible Under Rules 35 and 36

1. Senior Division Officers.—(a) Pay or rank as for corresponding ranks of the Armed Forces under sub-Rules (I) of Rule 35.

(b) An allowance of Rs. 4/- per day of actual attendance at the Annual Training Camp or Cruise, at the Combined Cadre and Social Service Camps or Cruise and at authorised courses of instructions other than pre-commission training in Armed Forces Schools, with Armed Forces Units, provided the Officers concerned live, mess and sleep in camp or in an Official Mess or on Board ship as the case may be, Dearness Allowance at present admissible to officers will be discontinued.

(c) Free conveyance or cost of conveyance by rail in 1st Class or by Road at eight annas per mile, to the site of the annual training camp from the College, in which the unit or part thereof to which the officer has been posted, is located. Free conveyance or a similar allowance will be paid for the return journey.

Note. 1.—If an Officer is ordered to proceed to the site of annual training camp during any vacation, free conveyance shall be provided, or the cost of such conveyance shall be re-imbursed, to such an officer from the place of his residence to the place of the annual training camp.

Note. 2.—For journeys between Calcutta and Agartala, an officer, may travel by Air instead of by the surface route and he shall be paid actual air fare.

(d) One 1st class rail fare by the shortest route, or cost of actual expenditure incurred in travelling by road between stations not connected by Rail, subject to the limitations laid down in the Note to sub-paragraph (c) of paragraph I will be admissible to the officer, while proceeding on an authorised attachment for training to the Armed Forces School, Armed Forces, Unit, or

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the site of the combined Cadre and Social Service Camp from the town in which the College providing the unit or part thereof is located and to which the officer has been posted. A similar allowance will be paid for the return journey.

Note.— If an officer is ordered to proceed on such an attachment during vacation this travelling allowance shall be paid from his place of residence.

(e) Daily allowance at rates specified below, shall be paid to an officer undertaking a journey under sub-para (c) or (d), from the time the journey begins to the time it ends for each of the onward and return journeys, except that no daily allowance shall be admissible for journeys of less than 6 hours and half the daily allowance shall be admissible for journeys exceeding 6 hours but not exceeding 12 hours, while for journeys of longer duration full daily allowance shall be admissible for every 24 hours. For parts of 24 hours in excess of 24 hours the method of calculation adopted will be the same as that adopted for journeys of less than 24 hours duration.

By Rail—	Rs. 10/- per day.
By Road—	Rs. 5/- per day.

Note. 1.—In case of journey by Road, actual expenses referred to in para I (d) and in cases where daily allowance also is admissible under this sub-paragraph actual expenses plus D. A. shall be limited to road mileage allowance at the rate of eight annas per mile.

Note. 2.—For journeys between Calcutta and Agartala, an officer, may travel by Air instead of by the surface route and he shall be paid actual air fare.

(f) Whilst these officers are required to perform a journey and halt at outstation for purposes other than those mentioned above, they will be entitled to T. A. and D. A., as admissible to corresponding ranks of officers of the Armed Forces under existing Regulations.

2. **Junior Division Officers.**— (a) Pay of rank under sub-rule (2) of Rule 35 as follows:—

	Rs.	A.	P.	
Third Officer.	130.	0.	0.	per month
Second Officer.	170.	0.	0.	per month
First Officers.	220.	0.	0.	per month
Chief Officer.	290.	0.	0.	per month

Note.— The above rates of pay include a sum of Rs. 40/- on account of ration allowance.

(b) Honorarium at the following rates under sub-rule (3) of Rule 35:—

	Rs.	A.	P.
Third Officer.	90.	0.	0.
Second Officer.	130.	0.	0.
First Officer.	180.	0.	0.
Chief Officer.	250.	0.	0.

(c) An allowance of Rs. 4/-per day of actual attendance at Annual Training Camp or Cruise, at the Combined Cadre and Social Service Camp and at authorised Courses of Instructions other than pre-commission training in the Armed Forces Schools and with Armed Forces Units provided the Officers concerned live, mess and sleep in Camp or in an Official Mess or on Board Ship, as the case may be. Dearness allowance at present admissible to officers will be discontinued.

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(d) Free conveyance or cost of conveyance, by Rail in Ist Class or by Road at six annas per mile, to the site of the annual training camp from the school in which the unit or part thereof, to which the officer has been posted, is located. Free conveyance or a similar allowance will be paid for the return journey.

Note.—If an officer is ordered to proceed to the site of an annual training camp during any vacation, free conveyance shall be provided, or the cost of such conveyance shall be re-imbursed, to such an officer from the place of, his residence to the place of the annual training camp.

(e) One Ist Class rail fare by the shortest route, or cost of actual expenditure incurred in travelling by road between stations not connected by rail subject to the limitation laid down in the note to sub-paragraph (f) will be admissible to the officer while proceeding on an authorised attachment to the Armed Forces School, Armed Forces Unit, or to the site of the Combined Cadre and Social Service Camp from the town in which the School providing the unit or part thereof is located, and to which the officer has been posted. A similar allowance will be paid for the return journey.

Note.— If an officer is ordered to proceed to such an attachment during vacation this travelling allowance shall be paid from his place of residence.

(f) Daily allowance, at rates specified below, shall be paid to an officer undertaking a journey under sub-para (d) or (e), from the time the journey begins to the time it ends for each of the onward and return journeys, except that no daily allowance shall be admissible for journeys of less than 9 hours and half the daily allowance shall be admissible for journey exceeding 6 hours but not exceeding 12 hours, while for journeys of longer duration, full daily allowance shall be admissible for every 24 hours. For parts of 24 hours in excess of 24 hours the method of calculation adopted will be the same as that adopted for journeys of less than 24 hours duration.

By Rail. Rs. 5/- per day.

By Road. Rs. 2/8/- per day.

Note.—In cases of journey by Road, actual expenses referred to in para 2 (e) and in cases where daily allowance also is admissible under this sub-paragraph actual expenses plus D. A., shall be limited to road mileage allowance at the rate of six annas per mile.

(g) Whilst these officers are required to perform a journey and half at outstation for purposes other than those mentioned above, they will be treated as Class II officers of the State Government for purposes of grant of Daily and Travelling Allowance.

3. Cadets.—(a) An allowance of Rs. 2/- per day for every day of actual attendance at annual training camp in all the States (except in the States of Assam), Manipur and Tripura where an allowance of Rs. 2/8/- per day of actual attendance at such camp shall be admissible provided the cadets concerned live, mess and sleep in camp.

(b) Such allowance as may be specified by the State Government when undergoing further service training under sub-rule (2) of Rule 34 and Rule 34-A.

(c) Free conveyance or cost of conveyance, by rail in Third Class or by road at two annas six pies per mile, to the site of the annual training camp of the place of further service training, from the college or school, in which the unit or part thereof to which the cadet has been appointed, is located. Free conveyance will be paid for the return journey.

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Note.—If a cadet is ordered to proceed to the site of annual training camp during vacation, free conveyance shall be provided, or the cost of such conveyance shall be re-imbursed to such a cadet, from the place of his residence to the place of the annual training camp.

(d) One Third Class rail fare by the shortest route or cost of actual expenditure incurred in travelling by Road between stations not connected by rail subject to the limitation laid down in the note to sub-paragraph (e) of paragraph 3, will be admissible to a cadet while proceeding to an Armed Forces unit or Combined Cadre and Social Service Camp for further training under sub-rule (3) of Rule 34 and Rule 34-A from the town in which the college/school providing the unit or part thereof to which a cadet has been appointed, is located. A similar allowance will be paid for the return journey.

Note. 1.—If a cadet is ordered to proceed on such an attachment during vacation, this travelling allowance shall be paid from his place of residence.

Note. 2.—For journeys between Calcutta and Agartala, an officer, may travel by Air instead of by the surface route and he shall be paid actual air fare.

(e) Daily allowance at rates specified below, shall be paid to a cadet undertaking a journey under sub-para (c) or (d), from the time the journey begins to the time it ends for each of the onward and return journeys, except that no daily allowance shall be admissible for journeys of less than 6 hours and half the daily allowance shall be admissible for journeys exceeding 6 hours but not exceeding 12 hours, while for journeys of longer duration full daily allowance shall be admissible for every 24 hours. For parts of 24 hours in excess of 24 hours the method of calculation adopted will be the same as that adopted for journeys of less than 24 hours duration.

By Rail— Rs. 2/8/- per day.

By Road— Rs. 1/- per day.

Note.—In case of journey by road, actual expenses referred to in para 3 (d), and in cases where daily allowance also is admissible under this sub-paragraph actual expenses plus D. A., shall be limited to road mileage allowance at the rate of two annas per mile.

3-A. The allowances for all types of camps for all officers and cadets, posted or appointed to a unit, shall be paid in the case of a Senior Division unit, to the Commanding Officer, and in the case of a Junior Division unit to the officer placed in command of that unit.

4. **Persons selected for Pre-commission Training.**—(a) In the case of persons selected for training as officers for the Senior Division, an allowance of Rs. 7/8/ per day, and in the case of persons selected for training as officers for the Junior Division an allowance of Rs. 4/- per day, for every day of attachment to the Armed Forces unit, including intervening Sundays and holidays:

Provided that N. C. C. Officers undergoing training in the Officers Special Course at the N. C. C. Academy, Purandhar, shall be entitled to free board and lodging at a cost of Rs. 8/- per day per trainee.

(b) A person selected for training as an officer for the Senior Division and a person selected for training as an officer for the Junior Division will be entitled to one 1st Class rail fare, by the shortest route, or actual expenditure incurred on travelling by road between stations not connected by rail, subject to the limitation laid down in the note to sub-paragraph (c) of paragraph 4 while

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proceeding for preliminary service training to an Armed Forces unit, from the town in which the college or school to which the person belongs is located. A similar allowance will be paid for the return journey.

Note.— If a person is ordered to proceed on such preliminary military training during vacation, this travelling allowance shall be paid from his place of residence.

(c) Daily allowance, at the rate specified below, shall be paid to a person selected for training as an officer of the Senior and Junior Division, undertaking a journey under sub-para (b), from the time the journey begins to the time it ends for each of the onward and return journeys, except that no daily allowance shall be admissible for journeys of less than 6 hours and half the Daily allowance shall be admissible for journeys exceeding 6 hours but not exceeding 12 hours, while for journeys of longer duration full daily allowance shall be admissible for every 24 hours. For parts of 24 hours in excess of 24 hours the method of calculation adopted will be the same as that adopted for journeys of less than 24 hours duration.

By Rail— Rs. 5/- per day.

By Road— Rs. 2/8/- per day.

Note.— In cases of journeys by Road, actual expenses referred to in para 4 (b) and in cases where daily allowance is admissible under this sub-paragraph actual expenses plus D. A., shall be limited to road mileage allowance at the rate of six annas per mile.

(d) The outfit allowance referred to in clause (c) of sub-rule (1) of Rule 35 shall be placed at the disposal of the respective Circle Commanders of the Officer-cadets selected for pre-commission training. The Circle Commanders shall take necessary action to equip the Officer-cadets with the items of uniform required. The unexpended portion of this allowance shall be—

(i) handed over to the officer-cadets on their being granted a Commission;

(ii) refunded to the State in case they are not granted a Commission.

On commissioning, articles of clothing and necessaries purchased from this allowance shall become the personal property of the N.C.C. Officers. Such articles shall, however, be withdrawn from the officer cadets who resign from the National Cadet Corps, or who are removed or withdrawn prior to commissioning. The articles withdrawn shall be auctioned and the proceeds credited to the State.

5. Officers and Cadets when travelling to and from their camps will be sanctioned travelling allowance amounting to actual expenditure incurred at concessional rates as laid down in serial number 6 of Annexure to Rule 114 of the Indian Railway Conference Association, Coaching Tarrif No. 16.

SCHEDULE. III.

[See Rules 5, 6, 16 and 27]

1. Prohibition to Membership of Organisations.

[See Rules 5(g), 5 (f) and 16 (g)]

Any communal organisation or political organisation or an organisation believing in violence or communal disharmony.

2. Ranks and Scales of Substantive Promotion of Officers.

[See Rule 27]

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(a) **Senior Division Officers—**

(i) **Army Wing—**

On being first commissioned— 2nd Lieutenant
After 3 years commissioned service— Lieutenant.
After 8 years commissioned service— Captain.
After 15 years Commissioned Service— Major.

(ii) **Naval Wing—**

On being first commissioned— Sub-Lieutenant.
After 8 years commissioned service— Lieutenant.
After 15 years commissioned service—Lieutenant Commander.

(iii) **Air Wing—**

On being first commissioned— Third Officer.
After 3 years commissioned service— Flying Officer.
After 8 years commissioned Service— Flight Lieutenant.
After 15 years commissioned Service— Squadron Leader.

(b) **Junior Division Officers—**

On being first commissioned— Third Officer.
After 3 years commissioned Service— Second Officer.
After 8 years commissioned Service— First Officer.
After 15 years commissioned Service— Chief Officer.

(c) **Promotions to the higher rank shall be made provided—**

(i) the officer is considered fit to hold that rank;

(ii) a vacancy in the higher rank exists in the unit or part thereof to which the officer has been appointed.

(d) All promotions shall be made by the Ministry of Defence, Government of India, on the recommendation of the State Government.

(e) Officers appointed to Medical Units of the National Cadet Corps shall be granted the rank of Lieutenant in the Army Wing and Sub-Lieutenant in the Naval Wing direct on their first commissions with three years seniority for purposes of promotion.

3. (a) **Ranks and Scales of acting promotions of the Senior Division (Army Wing).**

[See Rule 27]

After two years Commissioned Service— —Acting Lieutenant.
After five years Commissioned Service— — Acting Captain.
After eight years Commissioned Service. — —Acting Major.

(b) **Ranks and Scales of acting promotions of officers of the Senior Division (Air Wing.)**

[See Rule 27]

After two years. — — Acting Commissioned Service Flying Officer.
After five years. — — Acting Commissioned Service Flight Lieutanant.
After Eight years. — — Acting Commissioned Service Squadron Leader.

(c) **Ranks anp Scales of acting promotion of officers of the Senior Division (Naval Wing.)**

[See Rule 27]

After Five Years' Commissioned Service. — — Acting Lieutenant.
After Eight years' Commissioned Service. — — Acting Lieutenant Commander.

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THE [1](MADHYA PRADESH) RECOGNISED EXAMINATIONS ACT, 1937

[Madhya Pradesh Act No. X of 1937.]

(Published in the Central Provinces Gazette, dated the 12th February, 1937.)

An act to provide for the prevention of leakage of Questions set at Recognised Examinations.

Preamble.— Whereas it is expedient to make provisions for the prevention of the leakage of questions set at Recognised Examinations;

And Whereas the previous sanction of the Governor-General required by sub-section (3) of Section 80-A of the Government of India Act has been obtained for the passing of this Act;

It is hereby enacted as follows:—

1. **Short title, Extent and Commencement.**—(1) This Act may be called the [2](Madnya Pradesh) Recognised Examinations Act, 1937.

[3][(2) It extends to and shall be in force in the whole of (Madhya Pradesh.)]

COMMENTARY.

1. **Amendment.**— This Act was amended and extended to the whole of Madhya Pradesh by the Madhya Pradesh Extension of Laws Act, 1958 (Madhya Pradesh Act No. 23 of 1958). Thereafter it was amended by the Madhya Pradesh Recognised Examinations (Amendment) Ordinance, 1966 (M.P. Ordinance No. 4 of 1966), which was later on replaced by the Madhya Pradesh Recognised Examinations (Amendment) Act, 1966 (Madhya Pradesh Act No. 20 of 1966). It is also affected by A. O. 1937.

2. **Preamble.**— The preamble of this Act says that it is an act to provide for the prevention of leakage of questions set at Recognised Examinations.

3. **Extension.**— The Act was extended to the whole of Madhya Pradesh by the Madhya Pradesh Extension of Laws Act, 1958.

4. **Commencement.**—Formerly in the old State of Madhya Pradesh, the Act came in force on the 15th day of March, 1937, vide Education Department Notification No. 335, of the 6th of March, 1937, published in the Central Provinces Gazette, Part 1 at page 268 on the 12th day of March, 1937.

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1. The words "Madhya Pradesh" in the title of this Act were substituted by Section 3 (4) of the Madhya Pradesh Extension of Laws Act, 1958 (M. P. Act No. 23 of 1958).

2. See Ibid.

3. The Madhya Pradesh Extension of Laws Act, 1958 (M. P. Act No. 23 of 1958) came in force on the 1st day of January, 1959, vide the Government of Madhya Pradesh, Law Department Notification No. 41772-XXI-A. (Dr.) dated the 31st of December, 1958, which was published in the Madhya Pradesh Extraordinary Gazette of the 1st day of January,1959. Sub-sections (2)and(3) of Sec. I were substituted by item No. 39 of the Schedule appended with the Madhya Pradesh Extension of Laws Act, 1958. The former sub-sections (2) and (3) were as under:—

"(2) It extends to the whole of Mahakoshal Region.

(3) It shall come into force on such date as the State Government, may by notification, appoint in this behalf."

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The Madhya Pradesh Extension of Laws Act, 1958 (Madhya Pradesh Act No. 23 of 1958) came into force on the Ist day of January, 1959 vide the Government of Madhya Pradesh Law Department Notification No. 41772-XXI-A. (Dr.) dated the 31st day of December, 1958.

The Act came in force in the whole of Madhya Pradesh on the 1st day of January, 1959.

5. **Statement of Objects and Reasons.**—The Report of the Select Committee and the Statement of Object and Reasons were published in the Central Provinces Gazette of the 25th of September, 1936 and 17th day of July, 1936 respectively. The Statement of Object and Reasons were published in Part II at pages 253 and 254 of the Central Provinces Gazette, and the Report of the Select Committee was published at page 454.

The discussions were published in the Central Provinces Legislative Council Proceedings on the 6th of August, 1936 and 6th of November, 1936 at page 723 of Vol. XII of 1936, and page 45 of Vol. XIII of 1936 respectively.

2. **Definition** —In this Act, unless there is anything repugnant in the subject or context, "Recognised Examination" means any of the Examinations enumerated in the Schedule and includes an Examination held under the authority of [1][any Government] or by anybody constituted under any enactment.

COMMENTARY

1. **Amendment.**—The words "any Government" were substituted for the words "the Government" by A.O. 1937.

3. **Restriction on copies of question paper and offer of information.**—No person, who is not lawfully authorised or permitted by virtue of his duties so to do, shall, before the time fixed for the distribution of copies of a question paper to examinees at a recognised Examination:—

(i) procure, attempt to procure of possess, such question paper or a portion of the such paper or a copy thereof; or

(ii) impart, or offer to impart, information which he knows or has reason to believe, relates to or is derived from such question paper.

[1][3-A **Prevention of leakage by persons entrusted with examination work.**—No person who is entrusted with any work pertaining to a Recognised Examination, shall save where he is permitted by virtue of his duties so to do, directly or indirectly divulge or cause it to be divulged or known to other person any information or part thereof of which he has come in possession by virtue of the work being so entrusted to him.

[2][3-B. **Restriction on fake papers.**—No person shall procure, possess, distribute or otherwise publicise or cause to be publicised any question paper as being the one or purporting to be the one that is to occur or to be given at an ensuing Recognised Examination.

[3][3-C. **Prohibition of loitering, etc, near Examination centre.**—No person, save where he is permitted by virtue of his duties so to do or where he is authorised

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1. Substituted by the A.O. 1937 for the words "the Government."

2. Added by clause 2 of the Madhya Pradesh Recognised Examinations (Amendment) Ordinance, 1966 (No. 4 of 1966) and by Section 2 of the Madhya Pradesh Recognised Examinations (Amendment) Act, 1966 (Act 20 of 1966.)

3. Added by Clause 2 of the Madhya Pradesh Recognised Examinations (Amendment) Ordinance, 1966 (Ordinance No. 4. of 1966) and by Section 2 of the Madhya Pradesh Recognised Examinations (Amendment) Act, 1966 (M.P. Act No. 20 of 1966.)

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by an officer not below the rank of a Centre Superintendent, shall, during the hours when a Recognised Examination, is conducted at any Examination centre and two hours preceding the commencement of such Examination on any day or dates on which such Examination is conducted commit any of the following acts within the premises of the Examination centre or any public or private place within a distance of one hundred yards of the Examination centre—

(a) loiter;

(b) distribute or cause to be distributed or otherwise publicise or cause to be publicised any paper or any other matter relating to the Examination;

(c) indulge in such other activity as is likely to be prejudicial to the conduct of Examination or is likely to effect the secrecy thereof:

Provided that nothing contained in this Section, shall apply in respect of bona fide activities of Examinees appearing at the Examination which is, conducted at such Examination centre.]

COMMENTARY

1. **Amendments.**—Sections 3-A, 3-B, and 3-C, were added by clause 2 of the Madhya Pradesh Recognized Examinations (Amendment) Ordinance, 1966 (Madhya Pradesh Ordinance No. 4 of 1966), which was published in the Madhya Pradesh Rajpatra (Asadharan) of the 3rd of May, 1966 at page 1707. Later on the said Ordinance was substituted by the Madhya Pradesh Recognized Examinations (Amendment) Act, 1966 (Madhya Pradesh Act No. 20 of 1966), which was published in the Madhya Pradesh Rajpatra (Asadharan) dated the 26th day of September, 1966 at page 2425. Section 2 of the said Amending Act, added Sections 3-A, 3-B and 3-C in the present Act.

[1][4. **Penalty.**—Whoever contravenes the provisions of Section 3, Section 3-A, Section 3-B or Section 3-C shall be punished with imprisonment, which may extend to three years or with fine which may extend to five thousand Rupees or with both.

COMMENTARY

1. **Amendment**—Section 4 was substituted by Clause 3 of the Madhya Pradesh Recognised Examination (Amendment) Ordinance, (Madhya Pradesh Ordinance No. 4 of 1966) which was published in the Madhya Pradesh Rajpatra (Asadharan) of the 3rd of May, 1966 at page 1707. Later on the said Ordinance was substituted by the Madhya Pradesh Recognised Examinations (Amendment) Act, 1966 (Madhya Pradesh Act No. 20 of 1966) which was published in the Madhya Pradesh Rajpatra (Asadharan) dated the 26th day of September, 1966 at page 2425. Section 3 of the Amendment Act substituted Section 4 of the present Act. Formerly Section 4 was as under:—

"4. **Penalty.**—Whoever contravenes the provisions of Section 3 shall be punishable with simple imprisonment for a term which may extend to six moths or with fine which may extend to one thousand rupees or with both."

2. **Procedure.**—According to second Schedule or the Code of Criminal Procedure, 1898, the offences punishable with imprisonment for 3 years and upwards but less than seven years are not compoundable. The accused may be

1. Substituted by clause 3 of the Madhya Pradesh Recognised Examinations (Amendment) Ordinance, 1966 (M. P. Ordinance No. 4 of 1966 and by Section 3 of the Madhya Pradesh Recognised Examinations (Amendment) Act, 1966 (Madhya Pradesh Act No. 20 of 1966)

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arrested without warrant, not bailable, and triable as warrant case by the Court of Session, Presidency Magistrate, or the Magistrate of the first Class. But where the offence is not punishable with imprisonment for one year and upward but less than 3 years, the accused shall not be arrested without warrant, it is triable as summons case by the Court of Session, Presidency Magistrate or Magistrate of the First or Second Class. The Offence is bailable.

[1][5. **Omitted by Clause 4 of Madhya Pradesh Recognised Examination** (Amendment)Ordinance, 1966 (M.P. Ordinance No.4 of 1966)and Section 4 of the Madhya Pradesh Recognised Examination (Amendment) Act,1966(M.P. Act No. 20 of 1966.)

[2][6. **Omitted** by clause 4 of the Madhya Pradesh Recognised Examination (Amendment) Ordinance, 1966 (Madhya Pradesh Ordinance No. 4 of 1966) and Section 4 of the Madhya Pradesd Recognised Examination (Amendment) Act, 1966 (Madhya Pradesh Act No. 20 of 1966.)]

7. Power to Amend Schedule.—The State Government may, by notification, and to, or exclude from, the Schedule any Examination.

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[3][THE SCHEDULE.

[See Section 2.]

1. High School and Intermediate Examinations of the Mahakoshal, Madhya Bharat and Ajmer Board of Secondary Education.
2. A University Examination.
3. Cambridge Examination conducted by the Cambridge University Syndicate.
4. Short-hand and Type-writing Examinations.
5. Vernacular Middle Examinations.
6. Normal School Certificate Examinations.
7. National Cadet Corps and Auxilliary Cadet Corps Examinations.
8. Industrial Schools Test Trade Course Certificate Examination.
9. Physical Training Certificate Examination.

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1. Originally Section 5 was as uuder:—

"5. **Cognizance of offence.** No Court shall take cognizance of any offence against this Act except on the complaint of such person as may be authorised by the State Government in this behalf either generally or for a specified class of cases, made within six months of the date on which the offence is alleged to have been committed."

Now this Section is repealed by clause 4 of the M.P. Ordinance No. 4 of 1966 and Section 4 of the M.P. Act No. 20 of 1966.

2. Originally Section 6, which is now repealed was as under:—

"**6. Trial to offence.**—No offence punishable under this Act shall be triable by a Magistrate of the First Class."

This Section is repealed by Clause 4 of M.P. Ordinance No. 4 of 1966 and Section 4 of the M.P. Act No. 20 of 1966.

3. The Schedule was substituted by item No. 39 of the Schedule read with Section 3, sub-sections (1) and (3) of the Madhya Pradesh Extension of Laws Act, 1958 (Madhya Pradesh Act No. 23 of 1958) for the original Schedule.

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10. Examinations conducted by the Prayag Mahila Vidyalaya or Hindi Sahitya Sammelan, Prayag.
11. Examinations conducted by the Registrar of Departmental Examinations, Education Department.]

THE EDUCATION MANUAL OF MADHYA PRADESH.

PART II

1. Maintenance of Funds in Schools for Financing Extra-Curricular Activities.
2. Rules for Activities and Other Funds.
3. Unification of Scholarship Rules.
4. Rules for the Award of Fellowships, Scholarships & Stipends.
5. Scheme of Merit Scholarships for Children of Primary and Secondary School Teachers.
6. Rule for the Grant of Educational Concessions to the Children/Dependents of the Serving Service, S.A.F., Personnel of Madhya Pradesh Police Serving in Nagaland/Assam.
7. Rules for the Grant of Educational Concessions to the children of the Service Personnels of Madhya Pradesh, S.A.F., serving in Nagaland/Assam who are killed or Permanently disabled in Police.
8. The Unified Rules for Grant-in-aid to Non-Government Educational Institutions in Madhya Pradesh.
9. Teachers appearing in the Examination without permission.
10. Grant of Age and Free Concessions to the Repatriates from Burma and Ceylon.
11. Exemption from Payment of Tuition Fees to the children of Class III & IV Government Employees.
12. Concessions not to be granted to the children of class III and IV employee's relations.
13. Relief to children of Goldsmith affected by the Gold Control Order.
14. Measures for relief to Goldsmiths affected by the Gold Control Order.
15. Permission to appear in Examination.

MAINTENANCE OF FUNDS IN SCHOOLS FOR FINANCING EXTRA-CURRICULAR ACTIVITIES.

The State Government of Madhya Pradesh, Education Department, vide **notification No. 23379-23380/1295/20/3/62 of 30th December 1963,** with a view to bring an uniformity in the maintenance of Funds in Education Institutions for financing extra curricular activities in all the integrating units of the State of Madhya Pradesh, approved the following "Rules for activities and other Funds" in Government Educational Institutions and the Government Training Colleges in the State of Madhya Pradesh.

The State Government has further approved the following Rules/Regulations, framed for the administration of the following Funds:—

(1) Rules & Regulations for the Administration of the Activities Fund in Government Schools.

(2) Rules governing Fund in aid of poor pupils.

(3) Rules Regulating Hostel Mess Fund in Government Institutions.

(4) Co-operative Stores for Government Institutions and training colleges.

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RULES FOR ACTIVITIES AND OTHER FUNDS.

The State Government have sanctioned the following Rules for institutions of Activities and other Funds in Government Institutions and training colleges in the State:—

(1) Government institutions and training colleges shall institute activities Funds for financing extra curricular activities in the institutions and shall maintain and administer them in accordance with Rules prescribed in Appendix A.

(2) The Divisional Authorities/Principals of Training Colleges may permit, where they find it desirable and necessary, the maintenance of any or all of the following recognised Funds which can not be absorbed in the Activities Funds:—

(i) Funds in aid of Poor Students,
(ii) Hostel Mess Fund,
(iii) School Co-operative Shop Fund,
(iv) Scout, Girl-Guide and Red Cross Funds.

(3) The Fund in aid of poor students and the hostel mess Fund shall be maintained and administered in accordance with Rules prescribed for their maintenance in Appendix B & C.

(4) The institutions desirous to open Co-operative Shops shall obtain permission of the Divisional Authorities/Principals of the Training Colleges and shall form Committees and frame their own bye-laws for administration of the shop funds, on the lines of the suggestions and the model by-laws given in Appendix D and got the Co-operative shops registered by the Registrar, Co-operative Societies, Madhya Pradesh.

(5) Scout, Girl-Guides and Red Cross Funds shall be maintained and administered in accordance with such Rules and Regulations as the Scout, Girl-Guides and Red Cross Associations concerned may prescribe.

(6) No Funds other than those mentioned above shall be maintained in Government Institutions and Training Colleges without the previous sanction of the State Government.

APPENDIX A.

RULES AND REGULATIONS FOR THE ADMINISTRATION OF THE ACTIVITIES FUND IN GOVERNMENT SCHOOLS.

RULES

1. The Fund shall be called **"The Activities Fund"**.

2. The administration of the Activities Fund shall be in the hands of the Executive Committee consisting of:—

(i) Head of the Institution (Ex-Officio) President;
(ii) Two representatives of the School or College Staff who shall be nominated by the Chairman of the Committee annually in April;
(iii) Teachers in charge of the extra curricular activities of the institution, of whom one shall be nominated as General Secretary;
(iv) Three representatives of the students who shall be elected by the enrolled students of the School. The election which shall be held under the supervision and approval of the head of the institution shall take place before the 15th of July every year.

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3. The Executive Committee shall meet at least once in every two months to administer the Fund. One-third of the total number of members of the Executive Committee shall form a quorum. The minutes of each meeting shall be kept in a book to be provided for the purpose and they shall be read and confirmed at the following meeting.

4. The Activities Fund shall ordinarily consist of subscriptions from students and contributions from Government. Subscriptions and donations from the public and ex-students may also be received.

5. Subscriptions levied on students shall be fixed by the Fund Committee in the case of Schools for boys, by the Divisional authority in the case of School for girls and by the Principal/Superintendent in the case of Training School and Colleges within the following limits according to the number and intensity of activities of and the local needs of the institution concerned:—

Schools/ Colleges.	Minimum rate per month per student for 10 months.	Maximum rate per month per student for 10 months.
1	2	3
(i) Primary Classes I to V.	No subscription.	
(ii) Middle Classes VI to VIII.	Rs. 0.15 nP.	Rs. 0.30 nP.
(iii) High School classes IX to XI	Rs. 0.50 nP.	Rs. 0.75 nP.
(iv) Normal, Basic Normal Schools and Training Colleges for under Graduates.	Rs. 1.00 nP.	Rs. 1.25 nP.
(v) Training Colleges for post graduates.	Rs. 2.25 nP.	Rs. 2.25 nP.

The rate of subscriptions should be reasonable and should bear some relation to the number of activities in the institution. Payment of subscription by the enrolled students of the prescribed rates shall be compulsory. A change in the rate of subscription within the limits laid down in Rule 5 above shall be notified at least one month prior to the introduction. No change in the rate of subscription shall be introduced in the middle of a School session.

7. Money relating to the Activities Funds shall be credited into the public account of the State. The fees realised should be credited under the head—"3-Deposits and advances—Part II—Deposits not bearing Interest—(a) other Deposit Accounts—"Departmental and Judicial Deposites of Educational Institutions and the Expenditure incurred therefrom should also be debited direct to the deposit head.

8. Subcriptions and donations shall be credited in by the General Secretary into the bank without undue delay. The Executive Committee shall fix a prescribed cash balance and cash in excess of the prescribed amount shall not be retained in hand.

9. The Fund shall be utilised for all or any of the undermentioned activities of the institutions:—

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(i) Games, Gymnasium, tournaments and other athletic Activities.

(ii) Juvenile Library.

(iii) Science Clubs.

(iv) Magazine of the institution.

(v) Social gatherings and other celebrations of the institutions.

(vi) Expenditure on other activities approved by the head of the institution.

10. At the first meeting after the institution has been opened in July, a budget allotting Funds for expenditure on various activities in the institution with reference to the estimated income shall be prepared and passed by the Executive Committees. Expenditure under any head in excess of the Funds allotted in the approved budget shall not be incurred except with the sanction of the Executive Committee to the requisite re-appropriation of the budget allotments. If a fall in income is noticed during the course of a year proportionate reduction in expenditure shall be made.

11. Games are compulsory. The necessary requirements of this activity shall, therefore, be safeguarded in such a way that a reasonable share, which should not be less than 45 per cent of the gross income, is spent on games. Similarly 16% of the total Activities Fund receipts to the maximum of Rs. 300/- shall be spent on the activities of Science Clubs.

12. Proposals for incurring loans by the Activities Funds or financing Activities other than those mentioned in Rule 9 (i) to (vi) by advances from the Activities Funds shall require the previous sanction of the Director of Public Instruction.

13. The Activities Fund account shall comprise the following Registers:-

(1) Cash Book.

(2) Stock Register.

(3) Catalogue of Books.

(4) Minute book of proceedings of the Executive Committee Meetings.

14. The cash book shall be maintained in accompanying form by the General Secretary. For expenditure the form provides as many columns as there are different schools activities, so as to facilitate a watch on expenditure against budget allotments. All transactions of receipts and expenditure shall be entered daily in the respective columns of the cash book as soon as they take place. The entries in the cash book shall be attested by the President after verifying the correctness of the each transaction daily or periodically as he/she finds convenient. The cash book shall be closed and the balance in the Fund recorded at the end of each month with the following details:—

Balance in Bank as per Pass Book Rs.....

Cash in hand Rs.....

On verifying the balance the President shall record under his dated signature a certificate "verified and found correct".

15. Subscriptions from students shall be collected by class Teachers along with tuition Fees, and they shall maintain a detailed account of collections in the class attendance Register. All collections shall be made over by the Class Teachers to the General Secretary either on the day of collections or on the dates fixed for this purpose by the Head of the Institution. The monthly totals of collections allowed in the class attendance register shall be checked by the Head of the Institution with the cash book every month.

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16. Donations and subscriptions from the public and ex-students shall be received direct by the General Secretary. A receipt book (with counterfoils) shall be kept by him for the issue of receipts in acknowledgment of receipts, *e.g.*, donations and subscriptions from the public and ex-students, sale-proceeds of games kit etc., and other receipts.

17. Every item of expenditure shall be supported by voucher which shall be endorsed as passed for payment by the President before money is paid. Ordinarily, a voucher shall be the receipt (stamped, if necessary) of the person to whom the money is actually paid. Vouchers shall be numbered consecutively for a year and filed properly. After payment, they shall be so defaced that they cannot be used again. Invoices, if any, and relevant correspondence shall be duly preserved. Purchases of new games kit shall be supported by the relevant indents which shall show the stock in hand in Parts I and II of the stock book and the consequent requirements.

18. Whenever a payment is necessary the amount required shall be withdrawn from the bank, purchases shall not ordinarily be made on credit. Outstanding accounts, if any, shall be settled monthly. On no account shall, purchases made in the year, be paid from the allotment of, for the subsequent year.

19. The stock book of games kit, etc., shall be maintained by the teacher in charge of games. It shall be kept into two parts. Part I for new kit and Part II for material in use. New kit, when brought, shall first be entered in Part I. It shall be transferred to Part II, when issued for play..... kit shall be deleted from Part II. Parts I and II shall be further sub-divided into classified sections so that cricket bats are entered in the section set apart for cricket bats, hockey sticks reserved for hockey sticks, etc. An index showing the page number of each section shall be provided for each part.

Note.— Hockey and cricket balls and other such material as are ordinarily rendered unserviceable within a week of their use, might be shown as expended immediately on their being issued for use from new stock and they need not therefore be entered in Part II (stock in use of the stock-book), of the book.

20. At the end of each session, the Executive Committee or a sub-committee appointed by the Executive Committee shall review the stock of games kit, condemn such material as is found to be unserviceable and order the disposal by sale or other wise of the condemned material. The sale-proceeds of condemned stock shall form receipts of the Activities Fund.

21. Every book added to the library, whether by purchase or otherwise, shall be entered by the teacher in charge of the Juvenile Library in the catelogue of books under its proper head (Section)—Library, Books, Newspapers and Periodicals, the cost of which is met from the Activities Funds shall be selected from the departmental list of sanctioned books and periodicals. The account of issue to and return from students of library books shall be kept in a register in Form No. VII-213-Edn-Eng. except where a card system for individual pupil is maintained. The annual stock-taking of the library shall be done in April or May every year. The results of verification shall be recorded in the catelogue or books over the dated initials of the president. Sanction of the Executive Committee shall be obtained to write off the loss of book, if any.

22. A general stock book shall be kept for record of all stock belonging to the Activities Fund, that is not borne either out of games kit register or Library catelogue.

23. The President shall be responsible for the condition and correctness of the accounts. At the end of each month, the General Secretary shall prepare

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an abstract of the monthly account and submit the same at the next meeting of the Executive Committee for approval. The instructing authorities at the time of Inspection shall review the management of the Fund. He/She shall verify the balances in hand and in the bank. The accounts shall be test-audited by the departmental Auditors.

FORM OF CASH BOOK.

RECEIPTS			EXPENDITURE		
Date of Receipt.	Brief Description.	Amount.	Date of Payment.	No. of Vouchers.	Brief Description.
1	2	3	4	5	6
		Rs. nP.			Rs. nP.

EXPENDITURE			
Games.	Library.	Science Clubs.	Social Gathering etc.
7	8	9	10
Rs. nP.	Rs. nP.	Rs. nP.	Rs. nP.

APPENDIX B.

RULES GOVERNING FUND IN AID OF POOR PUPILS.

1. **Title.**—The Fund shall be called the **"Fund in Aid of Poor Pupils".**

2. **Object of the Fund.**—The primary object of the Funds is to afford financial assistance to poor and deserving students for the prosecution of their studies. Such assistance shall be either in the shape of monthly grants towards school fees of boarding charges or lump sum grants for the purchase of text books and stationery or for payment of Examination fees, etc.

3. **Sources of Income.**—The main items of income shall be subscriptions and donations from the public and share of profits earned by the School Co-operative Shop apportioned for this purpose by the Managing Committee of the shop.

4. **Administration of the Fund.**—The Fund shall be administered by a Managing Committee consisting of—

(i) The Head of the Institution (Ex-officio) President.

(ii) Two members nominated by the President.

(iii) One member nominated by the School Co-operative shop—Vice President (Ex-officio).

(iv) Two assistants for the teaching staff to be elected by the teachers. One of them shall be Secretary (ex-officio.)

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(v) Three pupils to be selected by the pupils of the institution.

5. The Managing Committee shall meet twice in a session for the transaction of business. One third of the total number of members of the Committee shall form a quorum. The minutes of each meeting shall be kept in a book to be provided for this purpose and shall be read and confirmed at the following meeting.

6. Money relating to the Fund shall be deposited in branch of the State Bank of India or in a Post Office Savings Bank by opening an account in the name of the Fund. The head of the Institution concerned shall ex-officio operate this account. All receipts shall be credited in the Bank without undue delay. Money required for disbursement shall be withdrawn from the Bank whenever necessary.

7. Proper accounts of receipts and disbursements shall be maintained by the Secretary. The Fund account shall comprise of the following registers:—

(i) Cash Book.

(ii) Subscription and Donation Register.

(iii) Minutes Book of proceedings of the Managing Committee Meetings.

8. All transactions of receipts and expenditure shall be entered daily in the cash book as soon as they take place. The cash book shall be closed and balance in the Fund recorded at the end of each month with the following details:—

(a) Balance in Bank as per pass book.

(b) Cash in hand.

On verifying the balance, the President shall record under his signature a certificate to the effect "Verified and Found Correct". Vouchers (i. e., receipts paid) must be forthcoming in support of every item of payment. Vouchers shall be filed in a guard book and numbered consecutively for the year in order of payment.

9. The Register for the record of subscriptions and donations shall be in a suitable form. The Secretary shall issue receipts to subscribers and donors when no money is received from them. Counterfoils of receipts shall be preserved. The monthly total shall be worked out in the register at the end of each month and this should tally with the total collections for the month as accounted for in the cash book. The writing off all irrecoverable items of subscriptions and donations shall require the sanction of the Managing Committee.

10. The account of the Fund shall be subject to audit by an Auditor appointed by the Managing Committee. A statement of accounts for the year (with opening and closing balances) shall be prepared annually by the Secretary. This statement shall be put on the notice-board of the institution after it is certified by the auditor and passed by the Managing Committee.

APPENDIX C.

RULES REGULATING HOSTEL MESS FUND IN GOVERNMENT INSTITUTIONS.

1. The Fund shall be called the **"Hostel Mess Fund"**.

2. The object of the Fund is to provide boarders with proper arrangements for messing.

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3. On admission to the hostel, every boarder shall be liable to deposit as security an amount of money prescribed by the Hostel Committee of the institution which shall be refunded when he/she leaves the hostel or at the end of school term whichever is earlier. In addition, he/she shall pay every month in advance a sum equal to the amount of average actual cost of mess charges for a month on or before the date prescribed by the Hostel Committee. The messing charge for each month shall be determined by the Hostel Superintendent after examining the month's account. When this is done, the difference, if any, between the advance money and the actual mess charge shall be adjusted monthly either by refunding the balance, if the advance money exceeds the actual mess charge, or by recovering the balance if the actual mess charge exceeds the advance money as the case may be. Guests (i.e., pupils from outside coming for matric examination, guardians and relatives of pupils, teachers and others) who are allowed to take meals in the hostel mess shall be charged at a rate prescribed by the Hostel Committee.

4. The Fund shall be administered by a Mess Committee consisting of—

(i) the Hostel Superintendent (ex-officio), President.

(ii) two prefects, who shall be Secretary and Assistant Secretary respectively.

(iii) Boarders whose number shall be fixed by the Hostel Committee, elected annually by the boarders.

4-A. The Managing Committee shall meet once every month for the transaction of business. One third of the total number of members of the Committee shall form a quoram. The minutes of each meeting shall be kept in a book to be provided for this purpose and shall be read and confirmed at the following meeting.

5. Money relating to the Fund shall be deposited either in a Post Office Savings Bank or in a branch of the State Bank of India. The Head of the Institution concerned shall operate ex-officio this account. Money sufficient to pay for cash purchases shall be retained in hand and the balance shall be deposited in the Treasury.

6. Proper account of receipts and disbursements shall be maintained by the Hostel Superintendent. The Fund account shall consist of the following registers:—

(i) Cash Book.

(ii) Register of Collection of mess dues.

(iii) Stores register to record receipt of grain etc., and daily issues.

(iv) Minute book of proceedings of the Managing Committee meetings.

7. All transactions of receipt and expenditure shall be entered daily in the cash book as soon as they take place. The Cash Book shall be closed and the balance in the Fund recorded at the end of each month with the following details.—

(a) Balance in Bank as per Pass Book Rs.....

(b) Cash in hand Rs.....

Vouchers (i. e.. receipts signed by the persons to whom the money has actually been paid) must be forthcoming in support of every item of payment except that pupils in charge of marketing shall give a certified list of articles purchased in lieu of vouchers for vegetables and the like. Vouchers shall be filed in a guard book and numbered consecutively for the year in order of payment.

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8. Registers of collection of mess dues shall have suitable columns for (i) marking number of meals taken everyday by each boarder, (ii) amount due, (iii) amount paid in advance, (iv) balance.

Monthly totals shall be worked out in the register at the end of each month and this should tally with the total collections for the months as accounted for in the cash book.

9. The Hostel Superintendents shall supervise the dietary arrangements of the boarders in order to avoid waste and extravagance.

10. The accounts shall be checked periodically by the Head of the Institution to ensure in the interests of parents and guardians that the most careful economy is observed He shall also see that the account of each boarder is adjusted either before the end of each school year or before the boarder leaves the hostel whichever is earlier.

APPENDIX. D.

CO-OPERATIVE STORE FOR GOVERNMENT INSTITUTIONS AND TRAINING COLLEGES

1. **Objects and advantages of Schools Societies.**—The encouragement of co-operative societies in schools and colleges is desirable for many reasons. Membership of a school co-operative society produces and fosters in boys corporate feelings, teaches them methods of business and trains them to manage their affairs. From the point of view of the movement, schools and colleges are the recruiting ground for future workers and in schools and colleges seeds of co-operative knowledge and interest in the co-operative movement can be sown which may ripen later on in a useful harvest.

2. The store helps the students in providing their needs while at school or college in getting their stationery and books, not necessarily more cheaply but of better quality and of greater uniformity than in the present case. Articles required for messes in schools and colleges can also be purchased by the store and issued to the mess. The object of these societies like other co-operative societies is to develop the practice of association to combine individuals and coordinate their efforts. Co-operation, according to a recognised authority on school societies arouses the young co-operators to activity compels him to come out of his individualism and sets another air to his efforts than that of mere personal satisfaction. It engages for the first time in the machinery of collaboration with his fellows. It builts him to rules established by his peers. It interests him in an object beyond himself, that of general progress.

3. The school or college co-operative store is a common form of co-operation that flourished in other countries and also exists in several provinces in India. In this province, there are at present only a few co-operative stores in Government schools and colleges. It is desirable that there should be many such societies in schools and colleges and that all teachers, professors and students should be as far as possible join as members thereof.

4. At the time of organisation attention should be devoted to the following points:—

(1) Participation of the student in the management,

(2) Regular accounts, and

(3) Regular byelaws.

The memorandum of association and draft byelaws annexed to this appendix will embrace all these points. A set of registers has been prescribed for

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town co-operative stores and a list of such of them on the necessity for a school or college store together with a form of balance sheet will be found at Annexure V.

5. **How to start a co-operative school society.**—The students and members of the staff of the institution where the society is to be started should meet together and discuss the scheme among themselves. The first thing to do is to appoint a provisional committee and draw up a list of those who want to take shares in the proposed store. The promoters will be saved much trouble if they seek the advice of one of the Circle Auditors attached to the district. The next step is to draw up byelaws. A copy of the model byelaws will be found at the Annexure III. The byelaws can be discussed with advantage in the presence of the officer invited to attend the meeting and should be adopted with such modifications as may be deemed necessary. The memorandum of association and the list of subscribers should next be drawn up and signed by at least twelve persons who must be above 18 years of age and of good character. Persons below 18 years can be admitted to membership after registration. The memorandum of association, together with the list of shares subscribed and two copies of the byelaws should be submitted through the Collector of the district to the Registrar, Co-operative Societies, Madhya Pradesh, who will register the society free of cost, if he is satisfied that the application is in order and that the scheme has a far prospect of success. When the society is registered and begins work, the first step will be to call a general meeting of the members and elect a committee. The Committee will elect a treasurer. The appointment of the treasurer required the sanction of the Registrar. A meeting should be held as soon as possible and resolutions concerning the starting of the society should be moved and applications from persons who are willing to join the society should be obtained.

6. The most important work is to collect money. The whole system is based on **Ready Money**. The store must have ready money to pay for its stock and equipment before it makes a beginning. Members of the Committee ought to act as collectors and should point out the benefits of membership.

7. **Management.**—The supreme authority in the society vested in the general meeting of all members. The success of the society will, however, greatly depend on the working committee and its office bearers. The head of the institution will be the chairman of the Committee and the Committee shall consist of not less than 11 members. The Committee should meet at regular intervals and prepare indents for fresh stores before the existing stock is exhausted. The Committee also fixes the prices to be paid and charges and appoints and dismisses the paid staff. Stock-taking is a most important matter. It must be done systematically and regularly as often as necessary but not less than once a year and members of the Committee should personally superintend it. All goods should be sold at reasonable market prices and members may be allowed credit to the extent of full value of their share. The account should be closed yearly, the rate of interest allowed on share-money should not exceed 12 per cent and members should get a dividend in proportion to the amount of their purchases. Not less than 25 per cent of the profits should be carried to reserve, one third of which should be invested as the Registrar may direct. The other two-thirds should be added to the working capital to expand business.

8. **Accounts.**—The importance of good book-keeping cannot be ignored and the safety of the store will in no small measure depend on the accounts being correctly and systematically kept. A list of the registers suggested is attached (Annexure IV) and samples of forms can be obtained on application from the Registrar of Co-operative Societies, Madhya Pradesh. Two most important registers are the Stock Registers and the Daily Sales Account, forms for which

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are attached (Annexure V). If these two Registers are correctly posted every day, they will check each other and will leave very little chance for confusion in accounts. The Society would also issue a hand receipt or cash memo for every payment and keep a counterfoil or carbon duplicate in its office for record. As under the byelaws there will be one Secretary and two Joint Secretaries they should be able to write up these two Registers in addition to the Cash Book and Ledger of credit transactions and the remaining registers can be maintained by some other official.

9. A person desiring to be elected and enrolled as a member of the Society must send an application signed by him to the Chairman of the Society, expressing his desire to be elected a member and giving an undertaking that he accepts the objects and byelaws of the society and binds himself to observe faithfully and obey the byelaws of the society, such as may be enforced, from time to time during the period of his membership.

10. Copies of the draft memorandum and byelaws for drawing up application for registration can be had from the office of the Registrar.

ANNEXURE. I.

Memorandum of Association

1. We, the undersigned persons, belonging to..... .....being above 18 years of age and having agreed to purchase shares in accordance with list herewith submitted, request Registration as the.....Co-operative.....Store Limited. The registered office shall be at.. .....

2. The liability of the store shall be limited to the face value of the shares issued.

3. The objects of the Store are—

(1) to purchase stationery,class-books and maps and other necessaries of life for sale in retail to its members;

(2) to encourage thrift, self-help and co-operation generally among the members ; and

(3) to educate the members in the value of co-operation and the co-operative movement.

4. The authorised share capital shall be Rs.....divided into.. .....share of Rs.....each. No increase of share capital may be made unless it has been approved by the members of the State at a general meeting and sanctioned by the Registrar.

5. The Store may also within the maximum limits fixed by the Registrar, from time to time, raise funds—

(a) by receiving deposits from members and non-members, and

(b) by raising loans.

6. The qualification for membership shall be that laid down in the byelaws herewith attached.

Date at.....this.....day of.....196..

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ANNEXURE. II.

List of Subscribers

1. .....
2. .....
3. .....
4. .....
5. .....
6. .....
7. .....
8. .....
9. .....
10. .....
11. .....
12. .....
13. .....
14. .....

ANNEXURE. III

Bye-laws of the Co-operative Store Limited

1. **Name.**—This society registered under the Co-operative Society Act II of 1912, shall be called the **"The.....Co-operative Store, limited".**

2. **Registered Office.**—Its registered office shall be at on the premises of of the aforesaid institution.

3. The objects of the society are—

(i) to purchase stationery, class-books, maps and other necessaries of life for sale in retail to its members,

(ii) to encourage thrift, self-help and co-operation generally, and

(iii) to educate the members in the value of co-operation and the co-operative movement.

Explanation.—Necessaries of life include food-grains, raiment and all commodities of human consumption, oils, lighting materials etc.

4. **Nominal Capital.**—The nominal capital of the society shall be Rs. 2,000/- divided into 1,000 share of each of the value of Rs. 2/-

The capital may be increased as well as the number of shares by a resolution passed by three-fourth majority of the Registrar, Co-operative Societies, Madhya Pradesh.

Note.—The value of the share may be raised to Rs. 5/- if necessary.

5. **Borrowing Powers.** -To carry on its work, the Society may contract loans or accept deposits provided the total amount of liabilities shall not exceed five times the paid up share capital and the reserve fund of the society.

6. **Qualifications for members.**—Membership shall be open to the members of the staff and the students of the institution. Their election will be regulated by these byelaws.

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7. Member's Register.—Every member shall take at least one share in the Society and shall sign his name in the register of members of the society in token of acceptance of the byelaws. On a member buying at least one share, he shall be deemed to have acquired all rights and responsibilities of a member of society.

8. How to apply for Membership.—A person desiring to be elected and enrolled as a member of the Society must apply in writing signed by him, to the chairman of the Society expressing his desire to be elected as a member giving an undertaking that he accepts the objects and byelaws of the Society and binds himself to faithfully observe and copy the byelaws of the society such as may be enforced from time to time during the period of his membership.

9. Maximum allotment of share.—No member shall be allowed to hold more than ten shares.

10. Transfer etc., of shares.—No shares shall be transferred by sale, gift, mortgage or otherwise except to the society or subject to the provisions of byelaw 9 to a member of the Society.

11. Calls of shares.—Shares shall be paid up in such calls, not more than two as the Working Committee may determine from time to time provided that each share is fully paid up within six months from the date of allotments.

12. The Death of a member.—In the case of the death of a member, the Society may transfer the share of interest of the deceased member to such heir or legal representative as the case may be or such nominee as he may have specified in writing in this behalf, in favour of the Society, provided that the heir, legal representative of nominee is qualified in accordance with the Rules and byelaws for the membership of the society.

13. Expulsion of a Member.—No member shall be expelled from the Society without a decision to that effect arrived at by a majority of seven-eights of the members present at a general meeting. In counting votes, the number whose expulsion may be permissible only when the member concerned has committed any of the following acts and in no other case:—

(a) When he had made any serious breach of the byelaws of the Society, or

(b) When he happens to be wilfully in default to the Society even after a due notice given to him to pay up the Society; or

(c) When his conduct is deemed to be objectionable or undesirable by the general meeting of the Society.

The expelled member shall not be entitled to claim compensation for or value of the shares standing in his name from the society. He may dispose of them in favour of such of the existing members of the society as may like to purchase them.

14. Requisites of a share Certificate.—When the full amount of a share is paid in cash, a share certificate will be issued in favour of the shareholder. Each share certificate will be signed by the Chairman and the Secretary or any two members of the Working Committee authorised to sign by the Working Committee.

15. Quantum of a member's interest.—The value of a members' interest shall be the face value of the share or shares held by him together with the amount of any dividend due or remaining unpaid on account of his share minus any sum due from him to the Society.

16. Extent of a member's liability.—The liability of a Member for the debts of the Society shall be limited only to the face value of the shares held by him.

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17. Incidents of offence.—The Chairman or Secretary shall ordinarily sign all receipts on behalf of the society. All legal instruments or deeds to which the society is a party, must be signed by the Chairman and Secretary by any two member of the Working Committee who are specially authorised in this behalf by the Working Committee.

18. General Meeting.—The Supreme authority of the Society shall be vested in the General Meeting of all Member. The General Meeting of the Society shall be held at least once a year not later than September. Extraordinary General Meetings may be called at any time by the Committee of Management. The General Meeting shall be held at a time and place to be notified in such manner as the President may direct at least three days before the date of the number of shares held. Voting by proxy shall not be allowed. The Chairman shall have a casting vote. All questions shall be decided by majority of members present. If the necessary quorum is not forthcoming, the President shall adjourn the meeting to a date at least seven days later and the business to be transacted at the postponed meeting shall be the same as at the first meeting No quorum shall be necessary for meetings adjourned for want of quorum.

19. Ordinary business at Ordinary General Meetings.—At an Ordinary General Meeting, the following business shall be ordinarily done:—

(a) Constitution of the annual report of the working of the Society as submitted by the Working Committee;

(b) adoption of the audited annual account and profit and loss statements;

(c) consideration and disposal of such matters as are placed by the Working Committee;

(d) within the limits, if any, of the Working Committee's recommendations therein on behalf a declaration of dividend and of the rate of rebate, distribution on purchases made by the members;

(e) determination of the rate of interest to be paid on loans and deposits within the maximum limit sanctioned by the Registrar;

(f) election of the Working Committee and its office bearers excepting those whose appointments can be made under those byelaws by the Working Committee ; and

(g) determination of the maximum limit of independents in respect of existing and new borrowing which may be incurred in the coming year.

20. Working Committee.—Subject to the general control of the shareholders exercisable through the General Meeting, the entire management of the affairs of the Society shall vest in the Working Committee which shall be composed, as under, of eleven members:—

(1) Chairman, ex-officio shall be the head of the Institution,

(2) An Honorary Secretary, from among the members of the staff nominated by the head of the institution,

(3) Two Joint Secretaries elected by the Student share-holders,

(4) Five ordinary members elected by the student share-holders, and

(5) Two ordinary members elected by the Members, the staff who are shareholders of the Society. The quorum of the Working Committee meeting shall consist of five members of the Working Committee.

21. Ex-officio Chairman.—The head of the institute shall be the ex-officio chairman of the Working Committee, as well as of the Society irrespective of his holding a share or not.

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22. Duties of the Working Committee.—The duties of the Working Committee shall be—

(a) to meet at least once every quarter of the year;

(b) to conduct full control over the business of the Society as carried on by the Officers of the Society and to give them instructions for the conduct of the Society's business;

(c) to determine what goods or articles shall be purchased to sanction the price and other incidental charges to be paid on account of such purchases to examine the entire stock in trade of the Society at convenient intervals and to inspect the invoices of goods, payments made and all accounts connected with the affairs of the Society;

(d) to see that the salesman and officers of the Society work systematically, regularly and in accordance with the instructions laid down or issued from time to time, and to take necessary steps for the preservation of the Society's stock and belongings;

(e) to take a complete stock of the Society's stock-in-trade and belongings at least once a year, not later than December, or as often as may be deemed necessary;

(f) to lay a statement of accounts before the shareholders at their ordinary General Meeting;

(g) to comply with executive orders such as may be prescribed from the Registrar, Co-operative Societies and to submit to him annual returns and report such as he may prescribe;

(h) to compile a report of a year's working of the Society, prepare accounts, statements and returns such as may be prescribed by law and Regulations and to recommend for declaration by General Meeting the amount of dividend and rate of interest to be paid on deposits and loans borrowed;

(i) to appoint an honorary auditor, who is not a member of the Working Committee for auditing the accounts of the Society regularly once a month;

(j) to enter into contracts with others, in relation to matters connected with the objects and business of the Society;

(k) generally, to do all and everything necessary to further the objects and working of the Society;

(l) to institute, conduct, defend, compromise, refer arbitration or to abandon legal proceedings and claims by or against the Society;

(m) to fill temporarily all vacancies accruing on Committee between two General Meetings, and suspend fine or dismiss any one or more of the officers subject to the approval of the General Meeting; and

(n) to define the respective duties of the Society's office bearers and fix the amount of bonus payable to those officers who happen to be the students of the institution and who have in the opinion of the Committee, discharged their duties satisfactorily.

23. (a) The President of the Society shall preside at all Meetings of the Society. In his absence the members present shall elect another member to preside. He shall have a costing vote beside his own vote as a member.

(b) He shall be the Chief Executive Officer of the Society and shall represent the Society in all the affairs relating to the Society and he shall possess

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all the executive powers of General supervision and direction for the proper and efficient conduct of the Society's affairs.

24. Secretary and Joint Secretaries.—One member of the staff, preferably the senior most, may be selected by the head of the institution to work as honorary Secretary to the Working Committee. He shall be assisted in his work by two Joint Secretaries elected by the student shareholders from amongst themselves.

25. Duties of the Secretary.—The duties of the Secretary shall be—

(a) to summon and attend all general meetings and those of the working Committee;

(b) to record the proceedings of all meetings in a minute book; and

(c) to conduct all correspondence on behalf of the Society; and

(d) to perform any duties including general supervision which may be entrusted or delegated to him by the Working Committee of the Chairman.

26. Treasurer.—A treasurer shall be appointed by the Working Committee from among the staff of the institution subject to the approval of the Registrar, with whom all available members of the Society shall be deposited.

27. Conduct of business.—(1) All goods shall be sold at reasonable market price.

(2) All sales shall be for cash, but members may be allowed credit to the extent of the paid up value of their shares.

Note.—Sales on credit to members should be made only in exceptional circumstances.

(3) Complaints regarding quality, quantity or price of any article or the conduct of any officer, or servant, or the Society shall be made to the Working Committee who shall enquire into and decide upon subjects to an appeal from such decision to the general meeting.

(4) All articles shall ordinarily be sold to the Members of the society but the Working Committee shall have the liberty to sell to non-members in the following among other circumstances:—

(a) Whenever the speedy disposal of any article is necessary to prevent its deterioration;

(b) When the Working Committee finds that there is a surplus stock of an article which warrants sale to non-members; and

(c) Whenever the Working Committee finds a sale to a non-member advantageous to the best interest of the Society.

28. Profits.—(a) The Accounts of the Society shall be closed on the 30th of June, every year.

(b) From the net profit five per cent shall be set aside for depreciation on the furniture of the Society.

(c) From the balance left, 25 per cent shall be placed to the Reserve Fund.

(d) The net amount after deducting depreciation on the furniture of the Society and the Reserve Funds may be applied as follows:—

(1) in payment of a dividend at rate which shall not exceed 12 per cent on the amount of share capital actually paid on each share;

(2) in payment of a rebate to members of the Society on purchase during the period to which the profits relate above a limit and according to a rate which the Working Committee may recommend and the General Meeting may sanction;

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(3) in payment of bonus to employees; and

(4) Subject to the provisions of Section 34 of the Co-operative Societies Act the Society may make contribution to any charitable purposes.

29. **Formation of the Reserve Fund.**—Not less than 25 per cent of the net annual profits of the Society after allowing depreciation, vide byelaw (b) shall be applied to the formation of a Reserve Fund.

30. **Investment of the Reserve Fund.**—The Reserve Fund shall belong to the Society and be indivisible amongst the members. On third of the Reserve Fund shall be invested as directed by the Registrar and two thirds shall be added to the working capital of the Society to expand business.

31. **Employment of the Reserve Fund.**—In the case of the dissociation of the Society, the Reserve Fund shall be applied to such purpose as may be determined with the approval of the Registrar, Co-operative Societies, by the majority of members.

32. **Copies of byelaws.**—Every shareholder shall be supplied with a printed copy of the byelaws on payment of the price such as the Working Committee may fix.

33. **Interpretation of bye-laws.**—Interpretation of these byelaws shall be with the Working Committee subject, however, to the decision of the General Meeting of the Society to whom an aggrieved party may appeal.

34. **Alteration of byelaws.**—These byelaws may be altered or rescinded or new byelaws made at a general meeting held in accordance with the Rules made by Government in this behalf and such amendment or rescision shall come into force after it has been approved and Registered by the Registrar.

35. **Liquidation of the Society.**—The Society shall be wound up with the approval of the Registrar if, three-fourths of the members present at a General Meeting specially summoned to consider the question and vote for it.

36. All matters, not specially provided for, shall be decided according to the laws of the Co-operative Societies Act II of 1912, and Rules framed under Section 43 of that Act.

ANNEXURE IV

List of Account Books and Registers to be maintained at school or College Store

1. Register of Members or Shareholders.
2. Register of Shares.
3. Cash Book.
4. Minute Books.
5. Ledger of deposits.
6. General Ledger.
7. Stock Register.
8. Daily Sales Account.
9. Members personal Ledger.
10. Treasury Pass Book.
11. Register of Dividends and Rebate.

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Instruction for filling them up can be obtained from the office of the Registrar, Co-operative Societies, Indore.

ANNEXURE V

Forms of Important Registers

Stock Register

Date.	Item.
.....196 .	Opening Stock. Incomings.
	Total Out-going.
2nd April. 196 .	Opening Stock. Incomings.
	Total Out-going.

Every kind of article in the shop should have a separate column, and the register should, if necessary, run over several pages. The Managing Committee will frame its indent for fresh stock from time to time entirely from this register and ought frequently to check the balance shown in the register with the stock actually found on hand. The incomings should be posted to correspond with the advice notes and bills of the supplying agents, and the outgoings should be extracted every evening from the Sales Register.

2. The Sales Register may be kept in the following sample Form:—

Daily Sales Register

Date.	Articles sold.	Quantity.	Cash price Paid.	No. of Creditors ledger Account.
1	2	3	4	5

A summary of columns 2 and 3 should daily be posted in the Stock Register in order that there may be no doubt about the amount of stock in-hand. Column 4 will, of course, tally with the daily total entered in the Cash Book. Entries in Column 5 need only be made when sales are on credit, since such transactions must be shown not in the Cash Book but in the Ledger. If the salesman writes his account correctly the two Registers will check each other.

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BALANCE SHEET OF THE.....CO-OPERATIVE STORE LIMITED, as it stood on the 30th June, 196...

Liabilities.	Rs. nP.	Assets.	Rs. nP.
1. Share Capital.		1. Stock (Column 7) of the Trading Account.	
2. Loans.		2. Building (Less Depreciation)	
3. Deposits from (a) Members. (b) Non-members.		3. Fixtures and furniture (less depreciation.)	
4. Interest due (a) On loans. (b) On Deposits.		4. Bills receivable.	
5. Trade bills payable.		5. Interest and dividend due—	
6. Establishment charges due.		(a) On loans.	
7. Dividend due.		(b) On deposits.	
8. Rebate due.		(c) On investments.	
9. Reserve Fund.		6. Value of empties and gunnies.	
10. Other Funds—		7. Investments on account of—	
(a)		(a) Reserve Fund.	
(b)		(b) Other investments.	
(c)		8. Other items.	
11. Other items.		(a)	
(a)		(b)	
(b)		9. Cash—	
(c)		(a) in hand.	
Total..		(b) in bank.	
12. **Profits Disposable—**			
(a) Profits brought forward from last year balance sheet.			
(b) Add profits for the year.			
Total..			
Deduct appropriation from last year's profits.			
Total..Rs.....nP		Total.. Rs.....nP	

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INSTRUCTIONS

LIABILITIES

1. Share Capital.	Take last year's balances and add to it the amount shown as "share payments" on the receipt side of statement of receipt and disbursement and from the total deduct the amount shown as "share withdrawn" on the disbursement side of the same statement.
2. Loans. 3. Deposits.	Take the figures separetely for each head as shown in the last year's balance sheet and add to them separately the receipts during the years under the same heads and from the total deduct the figures shown against each on the disbursement side of statement of receipt and disbursement.
Side Heads 4, 5, 6 & 8.	These will be filled up from the lists or accounts showing actual balances due for payment at the close of the year.
9. Reserve Fund. 10. Other Funds.	To the amount shown in the last year's balance sheet and the amounts carried by appropriation during the year and deduct withdrawals, if any.

ASSETS

2. Buildings. 3. Fixtures and furnitures.	To the value shown in the last year's balance sheet add the amount spent during the year on additions (not repairs) and from the total deduct the realizations on account of the sale of property, if any, and the amount of depreciation shown in the profit and loss account.
Side-Heads 4, 5 & 6.	These will be filled up from the list of accounts showing actual balances due for realization.
7. Investments. (a) Reserve Fund. (b) Other Funds.	Take separately the figures shown as assets in the last year's balance sheet and add to them the amounts invested during the year (see statement of receipt and disbursement) and from the total deduct the amounts withdrawn under the several heads.]

UNIFICATION OF SCHOLARSHIP RULES.

The Director of Public Instructions, Madhya Pradesh, Vide Order No. SCH/A/63/500 of 7th of February, 1963 and Order No D/Sch/63/874 of the 5th of March, 1963, in supersession of all previous Rules/Orders for award of Scholarship/Stipend, released the following Unified Scholarship/Stipend Rules approved on a permanent basis, with effect from July, 1963.

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The Officers empowered in the Rules are authorised to function accordingly and the expenditure for this will be debited to the head **"28—Education-E-General-E-3 Scholarships"**.

RULES FOR THE AWARD OF FELLOWSHIPS, SCHOLARSHIPS & STIPENDS.

General:—

1. In these Rules "Fellowship" means periodical payments made to students of deserving merit who possess a Doctorate degree and wish to pursue higher research in a chosen field of study.

2. "Scholarship" means periodical payments made to students of deserving merit to encourage them to continue their studies further.

3. "Stipend" means periodical payments made to deserving students of insufficient means in order to assist them to prosecute their studies.

4. All awards of fellowships, scholarships and stipends are subject to the conditions laid down in these Rules and limited to the provision in the budget that is available for award.

5. The rates, duration and the income test for judging the means and the sanctioning authority and countersigning authority shall be as indicated in Appendix A.

6. The Scholarships and stipends shall be available only to those students who prosecute their study in a recognised educational institution or research institution in M.P., provided that they may also be awarded to students of Madhya Pradesh working elsewhere on such subjects in which facilities for instruction or research do not exist in the State. In such cases the award may be given for study in institutions outside the State approved by Government.

7. Notwithstanding the provision in Rule 6 scholarships and stipends will be available to eligible students for the degree courses in Engineering at the All India Institutes of Technology and at other institutes of higher technical and Scientific education in the country.

8. A few scholarships in classical Indian Music (vocal and instrumental) classical Indian dance, painting sculpture and architecture will be available at such institutions as may be approved by the Government.

9. Except with the special sanction of the Government no student may hold more than one fellowship, scholarship or stipend together at the same time.

10. If a fellowship, scholarship or stipend falls vacant during its currency the sanctioning authority may award it to the next deserving and eligible candidate for the unexpired period of the fellowship, scholarship or stipend.

11. 10% of the total number of scholarships and stipends will be reserved for girl students. If, however, the required number of eligible girl students does not qualify for the award, the remaining scholarships or stipends will be available for award to eligible boy students.

12. The students in Engineering shall be required to execute a bond in the form given in Appendix B before they are awarded the scholarship, fellowship or stipend.

13. These Rules shall come into force with effect from 1.7.1962 and will supersede all the Rules and Orders on the subject in force in any of the four constituent units in the State. The scholarships and stipends sanctioned or continued in 1961-62 will, however, continue for the remaining period of the award on the existing basis. The principles of fellowships, scholarships and stipends

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shown in the Appendix A will be valid for three years after which they will be reviewed every three years.

14. Only those students will be eligible for the award of scholarships and stipends under these Rules who have studied for at least three academic sessions continuously in a recognised institution in the State immediately before the award.

15. Fellowships for higher research after a Doctorate degree will be awarded to selected candidates for pursuing their research in any recognised institutions on the advice of the Board of Industrial and Scientific Research.

16. (a) Scholarships for research will be awarded only to students who have passed a Master's degree in first class and wish to pursue research leading to a Doctorate degree.

(b) Scholarships for post-graduate study will be awarded strictly in order of merit as determined by the number of marks obtained in the aggregate in the Degree examination:

Provided that no scholarships will be awarded to any student getting less than 55% of the marks.

(c) Stipends for post-graduate study will be awarded only to students who come within the means limit and obtain at least 45 % marks in the aggregate at the degree examination.

(d) Scholarships to students in the middle school, high School, higher secondary school and degree classes will be awarded only to those who have obtained at least 60% marks in the aggregate at the qualifying examination.

(e) Stipends to students in middle schools, high schools, higher secondary schools and degree classes will be awarded only to those who come within the means limit and obtain at least 45% marks in the aggregate at the qualifying examination.

17. A candidate for the award or any fellowship, scholarship or stipend shall produce a certificate of good conduct from the head of the institution where he last studied making a special mention that he did not take part in any subversive activity including a strike.

18. A student who applies for a stipend shall produce a certificate signed by two Gazetted Officers one of whom should be of the rank of a first class Magistrate to the effect that the annual income of his parent or guardian does not exceed the amount stated in column 8 of Appendix A.

18-A (1). The Scholarship will be admissible as follows for the period of absence if it is due to illness and is supported by a Medical Certificate from a recognised Medical Practitioner.

(a) Full scholarship if the absence does not exceed two months.

(b) Half scholarship if absence exceeds two months but not four months.

(c) No scholarship if absence exceeds four months.

(2) For married women Scholars:—

(a) the scholarship will be admissible at full rates upto three months for absence on grounds of maternity.

(b) no Scholarship will be paid if the absence on the grounds of maternity exceeds three months.

(3) In all the above cases, the Scholarships at the rates indicated will be paid only if the head of the institution recommends the application and certifies

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that the Scholar is likely to make up the deficiency in lectures and studies during the rest of the period of the course of studies.

The awardee will get the Scholarship as long as he/she is on the rolls of an institution subject to the sub-para (3) above.

Note.—This amendment is inserted by the Government of Madhya Pradesh, General Administration Department Memorandum No. **5996-3503-(I) (i) Bhopal dated the 24th day of November, 1966.**

Tenure:—

19. Fellowships, scholarships and stipends will be payable for 10 months in each year commencing from Ist July of the year in which the award is made. It will be payable each month subject to good conduct, satisfactory progress of study and regular attendance of the student concerned.

19-A. In respect of the institutions managed by Non-Government bodies or those situated outside the State, the amount of the Fellowship/Scholarship/stipend payable to the students studying in those institutions will be placed in advance, at the disposal of the Head of the Institution in two equal instalments, the first in July and the Second in December each year. The Head of the Institution shall ensure its disbursal each month to the students concerned subject to good conduct, satisfactory progress of studies and regular attendance.

Note.—The above amendment is inserted by the Government of Madhya Pradesh Education Department No. **1340-XX-CC, Bhopal dated the 28th of January, 1964.**

Transfer:—

20. Consequent on the transfer of a scholarships/stipend holder from one institution to another within the State, the scholarship/stipend for the unexpired period will be available at the institution where he is transferred.

Suspension & Withdrawal:—

21. A scholarship/stipend is liable to suspension or withdrawal under the orders of the sanctioning authority in the following circumstances:—

(a) if the scholarship/stipend holder violates any of the conditions of the award,

(b) if he fails at the annual examination.

Procedure for allotment and selection:—

22. For Post-graduate studies in Science, Arts and Commerce, applications in the form given in Appendix C for scholarships and stipends will be invited from the eligible candidates enrolled for Part I of post-graduate studies through the Principals of the Colleges, and the selection for the award will be made by the Head of Collegiate Education. The merits will be determined on the basis of the percentage of marks obtained at the Degree Examination.

Degree courses in Science, Arts and Commerce:—

23. (a) Applications in the form given in Appendix C for not more than the total number of scholarships available will be invited from the eligible students enrolled in Ist year of the Three Years Degree Course (for those who passed Higher Secondary Examination), or Second Year of Three Years Degree Course (in case of only those who have passed Intermediate Examination) through the Principal. The selection for the award will be determined by the Head of Collegiate Education University-wise in proportion to the total number of students who have been enrolled in each University in the first year class or the Second year class as the case may be.

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(b) Stipends will be allotted to each college by the Head of Collegiate Education roughly on the basis of the number of students enrolled in Degree Classes.

(c) The principal of the College concerned will select the required number of stipendaries from amongst the eligible students enrolled in Ist year of the Three Years Degree Course (for those who have passed Higher Secondary Examination) or Second Year of the Three Years Degree Course (in case of only those who have passed Intermediate Examination) on the advice of a committee consisting of the Principal and three senior most Head of Departments out of which at least one should be from each Faculty.

(d) The merit will be determined on the basis of the percentage of marks obtained at the Higher Secondary or the Intermediate Examination, as the case may be.

Higher Secondary and High/School Courses:—

24. (a) For the award of scholarship the Divisional Superintendent of Education will invite applications in the form given in Appendix "D" from eligible students enrolled in Class IX and Class XI of the Higher Secondary "B" course and select strictly in order of merit, the candidates to the extent of the number of scholarships allotted to his division.

(b) Stipends will be allotted by the Director of Public Instruction to each division roughly on the basis of the enrolment in the Higher Secondary/High School classes. The Divisional Superintendent of Education will in his turn with the previous approval of Director of Public Instruction, similarly allot the number of stipends to each school in his division.

(c) For scholarship and stipend merit will be determined on the basis of the percentage of marks obtained at the VIII Class Examination of High School Examination as the case may be.

Middle Schools:—

25. For the award of scholarships the District Inspector of Schools will invite applications from eligible students enrolled in Class VI and select strictly in order of merit the candidates to the extent of the number of scholarships for his district. The merit will be determined on the percentage of marks obtained at the fifth class examination.

Post Graduate Studies in Engineering:—

26. Applications for the award of scholarships in post graduate studies in Engineering should be submitted in the form given in Appendix C to the Secretary to Government, Education Department. The selection will be made strictly in order of merit by Committee consisting of the Education Secretary, the Joint Director of Public Instruction (Tech.), and a Senior Principal of a Government Engineering College.

Degree Courses in Engineering:—

27. (a) Scholarships for degree courses in Engineering will be awarded strictly in order of merit on the basis of the marks obtained at the qualifying examination.

(b) A certain number of stipends will be allotted to each Engineering College broadly in proportion to the sanctioned intake of each institution.

Polytechnics:—

28 (a) Scholarships in the Polytechnics will be awarded strictly in the order of merit on the basis of marks obtained in the qualifying examination and in the admission test.

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(b) A certain number of stipends will be allotted to each Polytechnic broadly in proportion to the sanctioned intake of each institution.

(c) The Principal of each Polytechnic will select the required number of stipendaries from amongst the eligible students under these Rules, on the advice of a committee consisting of the Principal and three senior heads of departments in the Polytechnics. Merit will be determined on the basis of the marks obtained at the qualifying examination and at the admission test.

Junior Technical School:—

29. (a) Scholarships shall be awarded strictly in order of merit on the basis of marks obtained at the qualifying examination.

(b) Stipends will be allotted to each school by the Joint D.P.I. (Tech.), on the basis of the enrolment in each school.

(c) The Principal/Head Master of the School concerned will select the required number of stipendaries from amongst the eligible students under the Rules on the advice of a Committee consisting of the Principal/Head Master and three senior most members of the staff.

Sanskrit Institutions:—

30. (a) **Sanskrit College, Raipur.**—The Principal of the College will select the number of stipendaries from amongst the eligible students under the Rules on the advice of a Committee, consisting of the Principal and three senior most members of the staff.

(b) **Sanskrit College, Gwalior, Indore and Rewa.**—The Principal of the College concerned will select the required number of stipendiaries from amongst the eligible students under the Rules on the advice of a Committee consisting of the Principal, Divisional Superintendent of Education and a senior most member of the staff of the Institution concerned.

Classical Indian Music (Vocal Instrumental) Classical Indian Dance, Painting Sculpture and Architecture:—

31. (a) The allotment of the stipends will be made to each institution by the D.P.I. on the basis of the total number of students studying in such institutions.

(b) The Principal of the College concerned will select required number of stipendaries from amongst the eligible students under the Rules on the advice of a Committee consisting of the Principal and three senior most members of the staff of the institution concerned.

Special Scholarships:—

32. The Procedure for the award of special scholarship in Music, Dance, Painting, Sculpture and Architecture referred toin Rule 8 will be as, as the Director of Public Instruction will invite applications from the eligible candidates and the selection will be made by a Committee consisting of Education Secretary, Director of Collegiate Education, Director of Public Instruction and an expert in the subject to be nominated by the Government.

Army & Navy (Dehradun, Dufferin and Marine Engineering:—

33. These stipends will be awarded by the Director of Public Instruction on the recommendation of the Principal, Indian Military Training School, Dehradun the Captain, Superintendent of Training ship and the Principal of Marine Engineering College (Bombay or Calcutta) respectively, as the case may be.

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College Sports:—

34. Scholarships will be awarded to the best athlete and the best sportsman of each University of Madhya Pradesh from amongst the boys and girls separately by the Head of the Collegiate Education on the basis of the performance at the University Sports Meet held in the previous year and on the advice of the University Sports Committee.

School Sports Scholarships:—

35. Will be awarded to the best athlete and the best sportsman of each Division from amongst the boys and girls separately by the Divisional Superintendent of Education on the basis of performance at the Divisional Tournament held in the previous year on the advice of the Divisional Tournament Committee.

National Cadet Corps:—

36. (a) (i) Scholarships will be awarded to the best cadet in each of the Army, Navy and Air Force Wing of the Boys senior division and to the best girl cadet in the Army Wing only.

(ii) These awards will be made by a Committee consisting of Education Secretary, Director of Public Instruction and Circle Commander National Cadet Corps, Indore.

(b) (i) Junior Division Scholarship will be awarded to the best boy and girl Cadet separately in the Army Wing

(ii) These will be awarded on the recommendation of the Commander, N.C.C. Indore who would select the best cadets on the basis of the results of N.C.C. Camps.

Research Fellowship:—

37. Research Fellowships of the monthly value of Rs. 150/- will be awarded to students taking a Master's degree in any of the faculties of the Universities in the State, and securing at least a first class in the Master's degree Examination. The selection will be made by a Committee consisting of Education Secretary, the Director of Collegiate Education and two senior most Principals of Post-Graduate Colleges.

38. Four per cent special fellowships of the value of Rs. 400/- per month will be awarded to selected students of outstanding merit, who have taken a Doctor's degree in Science or a Master's degree in Engineering for research, in any branch of pure and applied sciences-Technology. The award of these special fellowships will be made on the advice of the Board of Scientific and Industrial Research, Madhya Pradesh.

Science Talent Search Scholarships:—

39. Under a scheme sponsored by Government of India for the encouragement of science talent, and All India Competitive Examination is held for students of Higher Secondary School Classes and the first 50 in order of merit are awarded the scholarships for pursuing scientific and Technological studies. On the basis of the result of this competitive Examination, in so far as Madhya Pradesh is concerned, leaving aside those who qualify for the All India Scholarships, the next 50 students in order of merit, will be awarded scholarships of the value of Rs. 60/- per month for pursuing studies in science or technology in a recognised institution in Madhya Pradesh.

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Release of Middle School Awards according to the **Order No. D/Sch/63/874 of 5th of March, 1963** read with **Memo No. Sch/A/63/500 of 7th of February, 1963.**

S. No.	Name of District.	Population.	No. of stipends allotted.
		in Lakhs	
1.	Raipur.	20.00	9
2.	Durg.	10.85	9
3.	Baster.	11.87	9
4.	Bilaspur.	20.21	9
5.	Raigarh.	10.41	9
6.	Surguja.	10.36	9
7.	Jabalpur.	12.73	9
8.	Balaghat.	8.06	6
9.	Chhindwara.	7.85	6
10.	Sagar.	7.96	6
11.	Seoni.	5.23	6
12.	Mandla.	6.84	6
13.	Rewa.	7.32	6
14.	Sidhi.	5.80	6
15.	Satna.	6.94	6
16.	Chhatarpur.	5.87	6
17.	Shahdol.	8.28	6
18.	Indore.	7.53	6
19.	Ujjain.	6.61	6
20.	Mandsaur.	7.52	6
21.	Dhar.	6.43	6
22.	Jhabua.	5.14	6
23.	Khargone.	9.90	6
24.	Khandwa.	6.85	6
25.	Gwalior.	6.57	6
26.	Bhind.	6.41	6
27.	Morena.	6.83	6
28.	Shivpuri.	5.57	6
29.	Guna.	5.97	6
30.	Sehore.	7.54	6
31.	Hoshangabad.	6.18	6
32.	Betul.	5.60	6
33.	Rajgarh.	5.16	6
34.	Shajapur.	5.26	6
35.	Narsimhapur.	4.12	3
36.	Damoh.	4.38	3
37.	Panna.	3.31	3
38.	Tikamgarh.	4.55	3
39.	Ratlam.	4.83	3
40.	Dewas.	4.41	3
41.	Datia.	2.00	3
42.	Vidisha.	4.89	3
43.	Raisen.	4.11	3

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Directorate of Collegiate Education, Madhya Pradesh.

No. 7586/XX-CD. Bhopal, dated the 23rd May, 1967.

To

The District Educational Officers.
Madhya Pradesh.

Sub:— Government of India National Scholarship to the Children of Primary and Secondary School Teachers— 1967-68— Publicity of-

Your attention is invited to this department No. 3590-/XX-CD dated 26-4-1966 in which you were requested to make arrangements for the supply of forms to the students eligible to apply for the scholarship under the above scheme. Last year the response from some of the D.E.O.'s was not found very prompt with the result that a good number of enquiries about forms were received by this office. Some students of higher merit could not even apply in time for want of required information and thus were deprived of the scholarship.

A copy of the terms and conditions of the scheme is again sent herewith, alongwith the form of application and other requisite documents. This may kindly be got cyclostyled in your office and kept ready in sufficient numbers so as to make available on request to the children of Primary and Secondary School Teachers, prosecuting Post-higher Secondary Studies.

In this connection a press note is being released in news papers by this department in the 1st week of June, 1967. It will be mentioned therein that the application forms are available from the office of the District Educational Officer. The students applying for the scholarship may be asked to submit the application, to this office positively "within 15 days of the declaration of the result or by the 15th of July, 1967 whichever is later." Even candidates who are not admitted within the stipulated time to a chosen course of study can submit the application within that period but intimation about the date of joining a college should be sent as soon as he takes admission in the college.

The receipt of the memo may be acknowledged.

....
(Ramayan Prasad).
Assistant Director of Collegiate Education, Madhya Pradesh.

No. 7587/XX-CD. Bhopal, dated the 23rd May, 1967.

Copy with a copy of the Scheme and other proformas is forwarded to the—

1. Director of Education, M. P. Bhopal.
2. Director of Technical Education, Madhya Pradesh, Bhopal.
3. Divisional Superintendents of Education in Madhya Pradesh.

with a request that wide publicity may be given to the scheme through circulars to all the Primary/Secondary/Technical/Educational Institutions under your control, so as to being the contents of the scheme to the notice of all teachers covered under the scheme. Two copies of the circular etc., issued in this behalf may kindly be furnished to this department for transmission to the Government of India.

(Ramayan Prasad).
Assistant Director of Collegiate Education, Madhya Pradesh.

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GOVERNMENT OF INDIA.
MINISTRY OF EDUCATION.
Scheme of Merit Scholarships for Children of Primary and Secondary School Teachers.

I. Object:—

The main object of the Scheme is to enable meritorious children of Primary and Secondary School Teachers to pursue Higher Education. It has been instituted as a token of recognition of the important service rendered by such teachers in the country and as a measure of indirect assistance to them.

II. Scope:—

The scholarships under the Scheme are available for studies in India only. These will be given for all recognised full time courses after the Matriculation or School leaving Stage on the basis of the following Examinations conducted by a Board of Education or a University or a recognised Educational authority;

(a) Matriculation and Equivalent Examination;

(b) Higher Secondary Examination;

(c) Indian School Certificate Examination; and

(d) Pre-University Examination.

III. Number of Scholarships:—

Five hundred scholarships will be awarded every year. These have been distributed among the various States and administrations on the basis of the number of teachers in each State. (Appendix III).

1V. Conditions of Eligibility:—

(i) The scholarships are open to children of all working teachers of recognised pre-primary, Primary and Secondary Schools. Teachers employed in institutions for the handicapped, civilian teachers employed in schools run by Ministry of Defence and teachers of Training Schools or College, whose status is that of Secondary School or Higher Secondary Teachers, are also eligible. **The children of Inspecting Officers are, however, not eligible.**

(ii) Only those students who pass the examinations mentioned in Para II in the year in Awards in First division (or secure at least 60 per cent marks in the aggregate where no class is awarded) will be eligible for the Scholarships.

(iii) Students who are selected under the National Scholarships Scheme or are already in receipt of scholarship under that scheme will not be eligible.

(iv) Students who are in receipt of any other scholarship or stipend will not be entitled to a scholarship under the Scheme unless the former award is surrendered from the date a candidate becomes eligible to receive scholarship under the Scheme.

(v) Students in full time employment or those who wish to pursue their studies in the evening colleges meant for employed worker through correspondence courses will not be eligible.

(vi) Only Indian National are eligible under the scheme.

V. Tenability:—

The Scholarships will be tenable for pursuing regular full time courses in Arts, Science, Commerce, Engineering, Education, Technology, Medicine, Agriculture, Veterinary Science, Law, Education or in any other Faculty in recognised day time institutions.

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VI. **Value of Scholarships:—**

(i) The monthly rates of scholarships are as follows:—

(a) Pre-University, Intermediate and First Year of Three Years Degree Courses..... .....Rs. 50/-

(b) B.A., B.Com., B.Sc., and Second and Third Year of Three Years Degree Courses..... ....Rs. 75/-

(c) M. A., M.Sc., and Ph.D.....Rs. 100/-

(d) Professional Courses.....Rs. 100/-

(ii) The above Rates are subject to the following Means Test:—

(a) Income of both parents upto Rs. 500/- .....Full Scholarship.

(b) Income of both parents between Rs. 501/- to Rs. 1,000/-per month ..... Half Scholarship.

(c) Income of both parents above Rs. 1,000/- No Scholarships. The candidates will, however, be given a merit certificate.

VII. **Selection of Candidates:—**

A candidate will be eligible for consideration against the quota of the State from which he has passed the qualified Examination. The Selection will be made strictly in order of merit, from among the eligible candidates who apply for the award from within that stage.

VIII. **Duration and Renewal of Awards:—**

(i) The scholarships once awarded will be tenable from the stage at which it is given till the completion of the chosen course of studies (e. g. M. A./ M.Sc./Ph.D./B.E./M. B. B. S. etc.) subject to good conduct and regularity in attendance. It will be renewed from year to year provided that—

(a) within a course which is continuous for a number of years the scholar secures promotion to the next higher class irrespective of the fact whether such examination are conducted by a University of the Institution; and

(b) in each final University examination at the completion of a stage, the scholar obtains a first class or where no class is awarded, at least 60 per cent marks in the aggregate.

(ii) If a scholar is unable to appear for the annual examination within a continuous course of studies (but not a Final University Examination) owing to illness, the award may be renewed for the next academic year on the submission of a medical certificate to the satisfaction of the Head of the institution and on his certifying that the scholar would have passed had he appeared in the Examination.

(iii) If a scholar is unable to appear in the final University Examination due to prolonged illness extending over a long period and resulting in shortage in the required attendance, the award may be renewed for the next year on the submission of a medical certificate to the satisfaction of the Head of the Institution and his certifying that the scholar would have passed the University Examination had he appeared.

(iv) If a scholar is unable to appear in a final University Examination due to sudden illness, the scholarship will be suspended and will be renewed when

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the scholar passed Examination next year and attains the standard laid down for University Examination in para (i) (b) above.

(v) If a scholar shows unsatisfactory progress during the course of studies or fails in any of the Course/University Examinations or gives up the chosen course of studies without completion or changes a course of studies before its completion without the prior approval of the Government of India, the scholarship will be cancelled.

(vi) A scholarship once cancelled will not be restored.

(vii) The award will be renewed on the basis of an Annual Progress Report to be submitted by the Head of the Institution where the scholar is studying.

IX. Payments:—

(i) The Scholarship will be payable from the month of admission upto the month of annual final examination for the first academic year. Necessary Funds for this purpose shall be deposited in quarterly instalments in advance with the heads of the institution concerned, who shall disburse the amounts to the scholars in the first week of every month.

(ii) In the case of renewal of scholarships for the succeeding year the scholarship will be paid from the month following that for which the scholarship was paid during the previous academic year, if the course of study pursued is continuous, otherwise the scholarships will be paid from the month of admission, wherever a final University Examination is taken at the completion of a full course of studies, e. g. Pre-University/I.A./I.Sc. or B. A./B.Sc., the scholarship will be payable upto the month in which the written/practical Examination ends. On passing the University Examination in, and on taking admission in the next higher calls, i. e., B.A /B.Sc./M.Ed./M.Sc. or Engineering or Professional courses, whether in the same institution or in some other institution the payment of scholarship will recommence from the date of admission in such class subject to proviso above. There may thus be period in between the cessation of the payment of scholarship in one class and its resumption in the next, for which no payment will be made.

(iii) The continuous absence up-to one month due to illness the scholarship will be paid in full.

(iv) For continuous absence, up-to three months due to illness full scholarship will be paid if a scholar continues to stay in the college hostel for the period of absence. If a scholar is admitted to a Hospital, the scholarship will be paid at half the rates admissible upto a maximum period of three months. If a scholar leaves for his home, no scholarship will be paid for the period exceeding one month. The tution fee actually paid by the scholar will, however, be allowed.

(v) For married women scholars half the scholarship admissible will be paid for absence up-to three months on grounds of maternity.

(vi) For continuous absence exceeding three months no scholarship will be paid.

Concessions in (iii) to (v) will be allowed on the submission of a Medical Certificate to the satisfaction of the Head of the institution and his certifying that the scholar is likely to make up the deficiency in lectures and studies during the rest of the period of the course.

X. Other Conditions for the awards:—

(i) The scholars shall devote themselves to their studies to the entire satisfaction of the Head of the institution and shall not undertake any paid work.

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(ii) No change in the course of study for which the award has been sanctioned shall be made without the prior permission of the State Government.

(iii) In case a scholar migrates from one institution to another without changing the course, he should immediately inform the State Government of the change through the Head of the Institution where he migrates.

(iv) All changes in address should be notified to the State Government.

XI. **Announcement of the Scheme:—**

All State Governments will announce on the 15th of May every year full details of the Scheme and invite applications by issuing an advertisement as in Appendix V in all the leading news-papers within the State. Eligible candidates can either apply on plain sheet of paper giving the relevant details as per those specified in the advertisement or can obtain the application form from the State Government concerned on seeing the advertisement issued by them.

XII. **Procedure for Applying:—**

(i) An application for the scholarship should comprise—

(a) One copy of the Application for scholarship in the form specified in the advertisement,

(b) One copy of a recent taken passport size Photograph with signature (to be pasted on the Application form in the space provided for it).

(c) One attested copy each of certificates, diplomas, degrees, marks sheets, etc., in respect of the Examination passed in 196...

(d) An affidavit by the parents stating definitely income from all sources in the prescribed form, and

(e) A certificate from the Head of the institution where the father/mother of the applicant is employed.

(ii) Applications complete in all respects should be submitted to the State Government (by designation to the Officer mentioned in the advertisement by the prescribed date.

(iii) Incomplete applications or applications received after the prescribed date will not be considered.

SCHEME OF MERIT SCHOLARSHIPS FOR CHILDREN OF PRIMARY AND SECONDARY SCHOOL TEACHERS 196..— 196..

Certificate from the Head of the Institution where the Father/Mother of the candidate is Employed

Certified that Shri/Smt.....
Father/Mother of Shri/Smt./Kum.....who is an applicant under the Scheme, is working as a teacher in the Primary/Middle/Secondary Section in my School.

Certified also that the School is recognised by the State Government.

.....
Signature.
Principal.

Name of the Head Master.....
Name of the Institution.....
.....
Seal.

———

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NATIONAL SCHOLARSHIPS SCHEME.
INCOME AFFIDAVIT.

Declaration of Income for the year (ending on 31st of March every year) for purpose of Scholarships granted under the **National Scholarships Scheme.**

I, Shri/Shrimati.....son/daughter of..... at present residing at.....solemnly affirm and say as follows:—

1. That my son/daughter/dependent Shri/Kum/..... who was selected in .....under the National Scholarships Scheme, is studying in.....

(Here give the name of the Institution).

2. That my annual income in the preceding year ending the 31st March, 1967 is Rs.....as per details furnished in the Schedule hereunder written. I also affirm that particulars of property held by me are as shown in the Schedule and that I have correctly indicated the amount of various taxes, cesses and land revenue paid by me. I make myself personally responsible for the accuracy of the facts and figures furnished.

3. That the statements made in the foregoing paragraphs are true to my knowledge.

4. That I further undertake that in the event of the particulars given in this application being found to be false, I shall refund to the President of India double the amount of the scholarship paid to the said scholar(s) and the Government's decision on whether the declaration of particulars is false shall be final and binding on me.

(Signature)

Name in Full.....

To be signed in presence of an Oath Commissioner or a Magistrate, Ist Class who would also affix his seal and signature.

SCHEDULE

I. Extent of land held and Income.

(a) Independently as owner:—

(i) Area.
(ii) Village.
(iii) Survey No.
(iv) Land Revenue Assessment.
(v) Annual Income.

Note.—Whether the whole or part of the land has been given out to tenants, if "Yes" particulars.

(b) Jointly as owner:—

(i) Area.
(ii) Village.
(iii) Survey No.
(iv) Land Revenue assessment.
(v) Annual Income.....Rs.....

(c) Independently as a tenant:—

(i) Area.
(ii) Villages.

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(iii) Survey No.
(iv) Land Revenue Assessment.
(v) Annual Income .....Rs.....

(d) **Jointly as a Tenant:—**

(i) Area.
(ii) Villages.
(iii) Survey No.
(iv) Land Revenue Assessment.
(v) Annual Income of the Scholar's father/guardian.....Rs....

II. **Property Held and Income :—(Houses, Shop, Building, House Sites etc; etc.)**

(i) House No.
(ii) Street/Road.
(iii) Village/Town/City.
(iv) Area of Site.
(v) Rent derived, if any.
(vi) House Tax paid.
(vii) Sanitary cess or other House taxes paid.
(viii) Net annual income after deduction of item (vi) and (vii). Rs.....

III. **Income from Shops:—**

(i) Address of Shop.
(ii) Nature of trace.
(iii) Sales-tax, Income-tax paid.
(iv) Licence No.....
(v) Annual Income.....Rs.....

IV. **Salaries Drawn:—**

(i) Name of employer.
(ii) Office/Unit in which he is working.
(iii) Address of Office.
(iv) Annual emoluments for 196.. 196 , without deduction of Income-tax Rs.....
(v) Other benefits like house rent allowance-free house and other perquisites.

V. **Other Sources of Income:—**

(i) Income from subsidiary industries, part time occupation Rs.....
(ii) Amounts drawn as Wages Rs.....
(iii) Any other Income.

VI. **Annual Income of Wife and the Scholar from any Source Rs.....**

VII. **(i) Total Income of the Family for the whole Year 1966. Rs .....**
(ii) Average income of the Family for one month. Rs.. .....

VIII. **If There is a Decrease in the Annual Income of the Parents/Guardian of the Scholar from that whom during the Last Year reasons should be furnished in brief.**

.....
Signature of Parents/Guardian of the Scholar.

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N.B. 1. Total income of the family shown includes income only of father and mother and the scholar and of no other members though they may be earning.

2. If father is dead, then mothers, income will be shown alongwith the income if any in the scholar's own name from share's property etc.

3. If both father and mother of the scholar are deceased, then the income if any in the scholar's name only will be shown and not the income of any guardian who may be supporting the scholar.

APPENDIX.—IV

Government of.....

Department of Education.

.....Section/Branch.

Passport-size Photograph with Signature.

Scheme of Merit Scholarships for Children of Primary and Secondary School Teachers. 196..... 196 .....

APPLICATION FORM.

1. Name in Full (in Capital Letters).
2. Date of Birth.
3. Nationality and the State to which you belong.
4. Full Address.
   (a) Present.
   (b) Permanent.
5. (a) Father's name in Full. (Mother's name if mother is a teacher).
   (b) Nationality and the State to which he/she belongs.
6. Name and address of the School in which father/mother is working as a teacher. (Please see Annexure-I).
7. Total yearly income from all sources of both parents. (Please see Annexure. II).
8. Particulars of the Examination passed in March—April, 196.....

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Name of Examination.	University/ Board.	Year of Passing.	Roll No.	Marks obtained with percentage and class or Division.	Subjects taken.
1.	2.	3.	4.	5.	6.

9. (a) Name and address of the institution where admission has been secured for the current academic year 1964-65.
(b) Date of admission.
(c) Course and duration of course with subjects.

10. If the applicant is in receipt of any other scholarships or financial assistance from a State Government/University or any other institution or person full particulars should be given including the monthly rate and the date of award, etc.

11. List of documents attached—
(a)
(b)
(c)
(d)
(e)
(f)

12. I hereby declare that the statements made by me in this application form are true to the best of my knowledge and belief. I further agree to abide by the terms and conditions of the award, if I am selected for the scholarship applied for.

Signature.....

Place.....
Dated.....

CERTIFICATE.

Joining Report

Certified that Shri.....was admitted into my college/institution (name)..... .....as a regular full-time student in class.....on.....196...

.....
Signature of the Head of the Institution.
(With Seal)

Place.....
Date.....

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Scheme of National Scholarship for the Children of Primary and Secondary School Teachers.

Award For 1967.

It is notified for general information that as in the previous years the Ministry of Education, Government of India will award scholarships to the children of working teachers in Primary, Middle and Secondary School. The number of scholarships allotted to Madhya Pradesh State are 47, during the fourth plan. The candidates who fulfil the following conditions will be eligible:—

(a) First Class with at least 60% marks in a school leaving or Pre-University Examination held in March-April, 1967.

(b) Children of teachers working in institution of the Handicapped Training Schools or Colleges the status of which is that of a Higher Secondary School and Children of Civilian Teachers employed in School run by the Ministry of Defence are also eligible.

(c) Children of Inspecting Officers or other Officers employed are in administrative posts are not eligible.

(d) Children of Teachers teaching in Inter-Colleges in M.P. who are enjoying the scale of pay of intermediate teachers are not eligible.

Application can be submitted neatly handwritten or typed on white sheets only signed by the applicant giving the following information. (Prescribed application Forms alongwith the detailed terms and conditions can also be had from all District Educational Officers in Madhya Pradesh and the Principals of post-higher Secondary Institutions where admission is sought).

1. Name and date of Birth.
   (a recent passport size Photograph to be attached).
2. Nationality.
3. Full Postal address.
4. Father's name (Mother's name if Mother is a teacher).
5. Name of the School in which father/Mother employed.
   (Certificate of service to be attached).
6. Total yearly income during 1966-67.
7. (a) Examination passed in March/April 1967 giving name of Board/University. Roll No. Marks obtained, aggregate marks (attested copy of marks sheet to be attached).
   (b) Name of the School/College from which passed (with name of place, District and State where located).
8. Whether the candidate is in receipt of any other scholarship, if so, the full particulars.

The application should include a certificate from the Head of the Institution with the proper seal certifying that father/mother of the candidate is employed as a teacher in a recognised Primary/Middle/Secondary or Higher Secondary School.

This advertisement is being issued to inform all eligible candidates well in advance so that all meritorious children of the teachers are unable to complete for these scholarships when the results of the school leaving and pre-university examinations are declared in June, 1967. **The scholarships will be awarded in order of merit as determined by the percentage of marks in the aggregate from among those who apply.**

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The applications are required to be submitted to the Director of Collegiate Education, Madhya Pradesh Bhopal, within 15 days of the declaration of result or by 15th of July, 1967 only whichever is later. If a candidate has not obtained admission in a college before the expiry of the above period, he can submit the application direct to the Directorate of Collegiate Education within the prescribed period and send intimation about the date of joining a college as soon as admission is obtained.

The application should not be sent to the Ministry of Education, Government of India.

Sd/.—R.C. Roy.
Director of Collegiate Education.
Madhya Pradesh.

The State Government of Madhya Pradesh has approved the Rules as the following Appendices A and B regarding grant of Educational Concessions to the children and dependents of Service Personnel so as to make it applicable to the children of S.A.F.,Personnel of Madhya Pradesh serving in Nagaland/Assam as per Government orders contained in the Education Department Memorandum No. 12992/3848-XX-3 dated 28-1-1966.

APPENDIX A

Rules for the grant of Educational Concessions to the children/dependents of the Serving Service S.A.F. Personnel of Madhya Pradesh Police Service Serving in Nagaland/Assam.

General:—

1. These Rules have been framed in accordance with paragraph 3 of the Education Department Order No. 17846-XX-3 dated the 20th November, 1962 and have come into force with immediate effect, i. e., from 20-11-1962.

2. All children of the Company Commanders, Platoon Commanders, Constables, Head Constables, and all other ranks and equivalent ranks in S.A.F., of M.P. Police and also the non-combatant enrolled personnel, who are ordinarily studying in any of the Government or Non-Government recognised institutions shall be entitled to get educational concessions under these Rules for prosecuting pre-higher Secondary and Post-higher Secondary Studies.

3. The children of the above personnel who may be studying at any stage of the pre-higher Secondary Education in any of the Government or Non-Government institutions situated in Madhya Pradesh will be allowed to complete their education up to the Higher Secondary Examination without payment of tuition fees.

4 **'Dependent'** means any of the following relatives of the Serving Service Personnel, namely:—

Legitimate son and unmarried legitimate daughter.

5. They will also be provided with prescribed school text-books up to middle school stage, free of cost, which shall be returned after the completion of the course.

6. The female/male students of the above personnel who may be studying in post-secondary stage leading to the first degree or diploma, as the case may be, in any of the Government institutions will be allowed to complete their education up to the first degree or diploma without payment of tuition fees.

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7. The students who are eligible for the above concessions will apply to Inspector-General of Police, Madhya Pradesh through the head of the institutions in which they are studying through the commandant of the battalions to which the Police Service man belongs giving full particulars about the Police Services rank held by their father and they shall further indicate the course of study which they are prosecuting.

8. The Inspector-Generol of Police will verify the facts stated in the application and on verification of the certificate from the Unit office or some other equivalent evidence to confirm that the recipient of the concession is a child/dependent of a Police serviceman, and will forward it with the recommendation to the Director of Public Instruction or the Director of Collegiate Education as the case requires.

9. The head of the Education Department concerned shall authorise the head of the institutions in the case of colleges, and the Divisional Superintendent of Education in case of the High and Higher Secondary School or the District Education Officers in the case of Middle Schools to provide the facilities specified in these Rules.

10. The Head of the institution/District Educational Officers shall buy the required books if the same are not already available with the institution by drawing funds on a contingent bill form.

Text Books:—

11. The text-books shall be supplied by the head of the institution in which the student is studying, for which the student shall give receipts in duplicate. One copy of the receipt shall be retained by the Head of the institution while the other should be sent to the Director of Public Instruction.

12. The student receiving the text-books shall be personally responsible for their proper up keep and shall see that the books are not torn or rendered unserviceable in any other way. He shall return the books after the completion of the course for which they were supplied.

13. In case of any loss of or damage caused to the text-books the student concerned shall pay the cost of the book to the head of the institution.

14. On completion of the course of study the head of the institution will receive back the books from the student after ensuring that they are in good condition and have not been damaged otherwise, and can be issued to any other student eligible under these Rules.

15 These Rules are subject to such modification as the State Government may make from time to time.

16 These Rules are applicable both for Government and non-Government educational institutions in Madhya Pradesh. The non-Government institutions shall apply to the Divisional Superintendent of Education concerned for reimbursement in loss of tuition fee and for the cost of Books.

17. These Rules are, however, not applicable in case of students studying in institutions situated outside Madhya Pradesh.

APPENDIX B

Rules for the grant of Educational Concessions to the children of the service personnels of Madhya Pradesh S.A.F., serving in Nagaland/Assam who are killed or permanently disabled in police.

General :—

1. These Rules have been framed in accordance with paragraph 3 of the Education Department Order No. 17833-XX-IV/100, dated the 19th November,

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1962. They have come into force with immediate effect, i. e., from 19th November, 1962.

2. All children of the Company Commanders, Platoon Commanders, Head Constables, Constables and other ranks and equivalent ranks in all the S.A.F., of M.P. Police and also the non-combatant enrolled personnel, who are ordinarily resident in the State of Madhya Pradesh and may be killed or permanently disabled due to action while serving in Nagaland/Assam, shall be entitled to get educational concessions under these Rules for prosecuting pre-higher Secondary and post-higher Secondary studies.

3. The children of the above personnel who may be studying at any stage of the pre-higher secondary education in any of the Government/Non-Government schools situated in Madhya Pradesh will be allowed to complete their education up to the higher Secondary Examination without payment of the tuition fees.

4. They will also be provided with prescribed school text-books, free of cost, which shall be returned after the completion of the course.

5. They will further receive a monthly stipend at the following rates:—

(i) Rs. 30/- for students studying in Middle Schools and who are boarders;

(ii) Rs. 12/- for students studying in Middle Schools and who are non-boarders;

(iii) Rs. 25/- for students of IX, X andXI classes who are non-boarders; and

(iv) Rs. 30/- for students of IX, X and XI classes who are boarders.

6. On completion of higher secondary education the children of the personnel mentioned above who pass the higher secondary examination in the first division and wish to pursue higher studies will be admitted to any of the Government Technical and Non-Technical institutions in the State without payment of fees and will receive a monthly stipend at the following rates:—

(i) Rs. 60/- for students who are boarders.

(ii) Rs. 50/- for students who are non-boarders.

7 The students who are prosecuting post-higher Secondary studies will also be provided with the prescribed text-books, free of cost which should be returned after the completion of the course.

8. The students who are eligible for the above concessions will apply to the Inspector General of Police through the head of the institution in which they are studying through the Commandant of Battalions to which the Police Service man belongs giving full particulars about the services rank held by their father and the circumstances of death or permanent disablement suffered by him. They shall further indicate the course of study which they are prosecuting.

9. The Inspector General of Police Madhya Pradesh will verify the facts stated in the application and on verification of the certificate from the Unit office or some equivalent evidence to confirm that the recipient of the concession is a child dependent of a Police serviceman, and will forward it with his recommendation to the Director of Public Instruction or the Director of Collegiate Education, as the case requires.

10. The head of the Education Department concerned shall authorise the head of the institutions, in the case of Colleges and the Divisional Superintendent of Education, in the case of Higher Secondary Schools, or the District Educational Officers in the case of Middle Schools to provide the facilities and stipends specified in these Rules.

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11. The head of institutions/District Educational Officers shall buy the required books if the same are not already available with the institution by drawing funds on a contingent bill form. They shall furnish themselves with funds for paying stipends by drawing funds on stipend forms.

Text Books:—

12. The text-books shall be supplied by the head of the institution in which the student is studying, for which the student shall give receipts in duplicate. One copy of the receipt shall be retained by the Head of the Institution while the other should be sent to the Director of Public Instruction/Director of Collegiate Education, as the case may be.

13 The student receiving the text-books shall be personally responsible for their proper up keep and shall see that the books are not torn or rendered unserviceable in any other may. He shall return the books after the completion of the course for which they were supplied.

14. In case of any loss of or damage caused to the text-books the student concerned shall pay the cost of the book to the head of the institution.

15. On completion of the course of study the head of the institution will receive back the books from the student after ensuring that they are in good condition and have not been damaged otherwise, and can be issued to any other student eligible under these Rules.

Stipends:—

16. All stipends under these Rules shall be tenable for 10 months in each academic session and shall be awarded by the State Government.

17. Continuance of awards shall be subject to satisfactory progress in studying and good conduct of the awardee.

18. The stipends for post-higher Secondary studies shall be tenable until the awardee completes the course leading to the first degree or diploma as the case may be.

19. Except with the special sanction of the Government, a stipend under these Rules cannot be held conjointly with any other scholarship or stipend, whatever the source thereof may be.

20. The stipend shall be discontinued if the holder fails to pass the annual examination in a particular session but may be renewed if he is promoted in a subsequent examination.

21. These Rules are subject to such modification as the State Government may make from time to time.

22. These rules are applicable both for Government/Non-Government Educational Institutions in Madhya Pradesh. The Non-Government institutions shall apply to the Divisional Superintendent of Education concerned for reimbursement of loss of tuition fee and for the cost of Books.

23. These Rules are, however, not applicable in case of students studying in institutions situated outside Madhya Pradesh.

The unified rules for grant-in-aid to non-Government Educational Institutions in Madhya Pradesh.

With the object of extending, expanding and improving education, a sum of money is annually set apart from State Funds to be expended as Grant-in-aid for schools and other educational institutions under Non-Government management.

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1. Short title.—These Rules may be called **"The Unified rules for Grant-in-Aid to Non-Government Educational Institutions in Madhya Pradesh"** and shall come into effect from Ist April, 1960.

COMMENTARY.

The unified Rules for Grant-in-aid to Non-Government Educational Institutions in Madhya Pradesh are approved by the State Government of Madhya Pradesh vide Education Department Memorandum No. 11822-4633-XX-2-58 of the 27th day of July, 1960, i. e., Sravan 5, 1882. The said Rules came into effect from the Ist day of April, 1960 and have superseded all grant-in-aid Rules and orders relating to grant existing in the four integrating units. These Rules lay down the general conditions for the grant, procedure for application, powers to sanction maintenance Grant-in-aid, maintenance grant, maintenance grant for special institutions, building grant, equipment grant and prescribes certain forms.

2. These Rules supersede all grant-in-aid Rules and orders relating to grants to Non-Government Educational Institutions existing in the four integrating units.

3. Grants from this provision will be given to Non-Government Educational Institutions which impart sound secular, instruction, subject to the specified conditions and with due consideration of the actual requirements of each institutions and of the funds available.

General Conditions for the Grant.

4. No grant-in-aid can be claimed by any institution as a matter of right. No payment of grant-in-aid shall be made except to an institution which has been in continuous existence for at least one year prior to the date of application and has secured departmental recognition and also recognition from the Secondary/Technical Board or University concerned wherever necessary.

5. The grants shall be of three kinds, viz.—

(i) Maintenance Grant;

(ii) Building Grant; and

(iii) Equipment Grant.

(i) Maintenance Grant is a recurring grant sanctioned for running of an educational institution. It will be sanctioned for a year at a time and shall be payable in half yearly instalments. An assessed grant will hold good for three years including the year in which it is assessed. It will not be increased during this period even if the expenditure of the institution has increased, excepting cases, where the increase has been the result of expansion effected with the previous approval of competent authority. The grant will be re-assessed after three years on the basis of expenditure of the institution in the preceding three years;

(ii) Building grant is a Non-recurring grant sanctioned to a recognised educational institution for erecting, purchasing, enlarging or remodelling of buildings, premises, hostels, teachers quarters and for the provision of play grounds, gymnasia, workshops and laboratories;

(iii) Equipment grant is a Non-recurring grant sanctioned to a recognised educational institution including a college, school.

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hostel and library, for the purchase of equipment and furniture which will include appliances, books, maps, charts and audio-visual apparatuses and such other articles as may be deemed necessary by the Department.

6. The Governing Body of every Government aided institution shall, unless exempted by a special or general order of the State Government, be recognised under the Societies Registration Act, XXI of 1960.

7. Every Government aided institution shall be liable to be inspected by inspectorial staff of the Education Department at least once in each financial year for the purpose of ascertaining its suitability for the award of the grant-in-aid and for verifying as to whether previous grants, if any, have been properly utilised.

8. The accounts of the institutions will be open to audit by any agency authorised by the Education Department.

9. The accounts of the institutions receiving grants in excess of Rs. 10,000 per annum (recurring) and Rs. 50,000 (non-recurring) will also be open to a test check by the Examiner, Local Fund Accounts, Madhya Pradesh at his discretion.

10. No grant whatsoever shall be paid towards expenditure on any denominational or sectarian instruction.

11. No grant shall be made to any school or educational institution or Section thereof which the department may find to be unnecessary or unsuited to the requirements of the locality.

12. No grant shall be sanctioned to any school or educational institution the income of which from all sources is sufficient in the opinion of the department to maintain it in efficiency without any Government grant.

13. Maintenance grant shall be paid in two half yearly instalments. The first instalment of the Maintenance grant for the existing institutions will be released in May every year. This instalment shall be equal to 50 per cent of the previous year's sanctioned grant provided the sanctioning authority is satisfied that the institution is actually functioning. The second instalment will be released in November every year and shall be equal to the admissible grant for the year minus the amount of the first instalment already paid and such deductions on account of excess grants, if any, paid in previous year as revealed by the financial statement of the institution, as may be found necessary.

14. In the case of new educational institutions, first instalment of maintenance grant which will be equal to 50 per cent of the grant determined for the year will be released in September. The second instalment which will represent the balance of the admissible grant for the year will be released in March of the following year.

15. Building and Equipment grants will not ordinarily be paid in advance. In exceptional cases, however, grants may be released—

(a) on the basis of actual expenditure on the construction of buildings or the purchase of equipment, as the case may be, even though such expenditure may fall short of the total expenditure proposed to be incurred; or

(b) on deposit being made by the agency sponsoring the institution of its share of the total expenditure proposed to be incurred on the construction of the building or on the purchase of equipment as the case may be.

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16. The Governing Body of every aided institution shall appoint a Secretary to correspond with the Department whose name and address will be registered in the office of the authority competent to countersign the grant-in-aid bill.

17. The scale of pay of the Head of the Institution, the teaching staff, clerical staff and other Class IV servants to educational institutions which are in receipt of Government grant shall be in accordance with those sanctioned for the corresponding categories of employees in Government educational institutions. No salary in excess of which is actually received by the members of the staff shall be allowed to be included in the admissible expenditure on which grant is paid.

18. The management shall not terminate the services or reduce the pay of any teacher appointed on any written contract without holding full enquiry into the charges against him.

19. No part of the emoluments of any member of the staff of an aided educational institution or his General Provident Fund shall be used by any school for purposes of running the institution.

20. The teachers appointed shall, as far as possible, be trained ones and shall bear satisfactory character and conduct.

21. The managements of the aided institutions shall reserve 15 per cent posts for Scheduled Castes candidates and 18 per cent posts for Scheduled Tribes candidates for the appointment of teachers under them. If the percentage mentioned above cannot be reached in any particular year, the deficiency should be made up by the appointment of candidates of categories other than Scheduled Castes and Scheduled Tribes. The management will, however, have to satisfy the inspecting officer of all possible efforts that were made to secure Scheduled Castes and Scheduled Tribes Candidates to fill the prescribed quota of appointments.

22. Whenever an institution to which grant-in-aid has been sanctioned, ceases to satisfy the department on any of the points specified above, the department shall give a formal warning to the management of the institution that unless defects to which attention is being drawn, are rectified within a specified time, the grant will be liable to reduction or withdrawal. In case the warning remains unheeded, the sanctioning authority may order the grant to be reduced or withdrawn.

23. No claim for grant shall be admitted for upgrading or starting additional sections without the approval of the authority competent to sanction the grant.

24. The State Government may, by a special or general order, exempt any institution from the operation of these Rules and allow them to grant on an ad hoc or any other special basis.

Procedure for Application.

25. The manager of an institution desiring aid shall send to the Inspecting Authority concerned before the 1st of May, an application along with the financial statement relating to the previous financial year in the prescribed forms. (Appendix I to IV).

26. The inspecting authority shall deal with the application himself if he is competent, or forward it to the appropriate sanctioning authority through proper channel, with his scrutiny and definite recommendations.

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27. Cases requiring sanction of Government should reach the Administrative Department with scrutiny and recommendations by the Ist of June at the latest.

28. The inspecting authority may ask for any additional information or order reduction in grant in cases falling within its own powers. The Managers shall, however, have a right of appeal to the Head of the Department against the decision of the inspecting authority within 30 days of the order.

Powers to sanction Maintenance Grant-in-aid.

29. The following officers are empowered to sanction grants as noted below :—

		Amount.
(1)	District Inspectors of Schools/ District Inspectress of Schools.	Up-to Rs. 2,500 in each case 3,500.
(2)	Regional Deputy Director or Divisional Inspecting Authority or Divisional Superintendent of Education or Inspectresses of Schools.	Up-to Rs. 5,000 in each case 10,000
(3)	Head of Department.	Up-to Rs. 10,000 in each case.
(4)	Administrative Department.	Up-to Rs. 25,000 in each case.
(5)	Government in Education Department in consultation with Finance Department.	Above Rs. 25,000 in each case.

30. The powers to sanction recurring grants shall be subject to the condition that the budget allotment for grant-in-aid is not exceeded except with the sanction of the Government.

Maintenance Grant.

31. The annual grant-in-aid for boys' as well as girls' Primary Middle Schools, High Schools, Higher Secondary Schools, Multi-purpose Schools and other type of Secondary Institutions, Collegiate and Technical Institutions, shall be paid at the rate of 75 per cent of the gross admissible expenditure or the full net deficit, whichever is less, except that in case of Primary Schools under the control and management of local bodies and Janapada Sabhas, existing rates of grant shall continue until modified by Government.

32. The income of the School is held to be the total amount derived from fees, subscriptions, and endowments and grants from local Bodies or Authorities, but does not include any grant paid from State Funds.

33. The following expenditure will be admitted for maintenance grant:—

(1) Establishment pay, dearness allowance and Provident Fund contribution of admissible staff.

(2) The maximum teaching staff and other servants admissible for approved expenditure for a high school will be as below:—

(i) Principal, Headmaster or Headmistress.

(ii) One class teacher for every class or Section.

(iii) (a) One Language Teacher;

(b) One Science Teacher;

(c) One Physical Instructor and one Drawing Teacher;

(d) One Clerk, one Librarian, one Laboratory Attendent and one Chaukidar, two peons and one Farrash.

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Special teachers and other staff appointed in special subjects, e.g., Hygiene, Botany, Agriculture, Music, Commerce and Crafts shall be admitted for grant-in-aid.

(iv) (a) For a large High School consisting of more than 12 Sections but not more than 18 Sections, the following additional staff may be admitted:—

(1)	Science Teacher.	1
(2)	Language Teacher	1
(3)	Physical Instructor.	1
(4)	Drawing Teacher.	1
(5)	Clerk.	1
(6)	Laboratory Attendent.	1
(7)	Peon.	1

(b) For every 6 additional Sections, additional staff on the above scale may be employed, provided that the sanctioning authority is satisfied that such or part of such additional staff is essential for efficient instruction in the school.

(3) **Contingencies.**—The rates or contingencies admitted for grants shall be Rs. 150/- for each middle School Section and Rs. 250/- for each High School Section per annum.

Contingencies shall include:—

(a) Rent, Rates and Taxes;
(b) Printing of forms and School prospectus;
(c) Electricity charges;
(d) Liveries;
(e) News Papers and periodical for teachers;
(f) Telephone rental;
(g) Current Laboratory expenses;
(h) Current repairs to furniture;
(i) Expenditure on T.A. of Teachers for attendance at seminars and educational conferences;
(j) A maximum of 2 per cent of actual cost of construction of the buildings towards the depreciations and maintenance fund;
(k) Medical Inspection;
(l) Any other item specially approved by the Education Department, for the purpose of this Rule.

(4) For a primary School following maximum teaching and other staff will be admissible for approved expenditure:—

(a) One teacher for 45 students;
(b) One peon or one conductress;
(c) One additional peon or conductress and separate headmaster for schools with an enrolment exceeding 400.

(5) The maximum admissible contingencies for a Primary School will be Rs. 100/- per annum and will include—

(i) Rates, Rents and Taxes;

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(ii) Contingent expenditure on Books, Maps, Stationery, repairs of buildings, furniture, sanitation;

(iii) Current Laboratory, Craft and other material used for Instruction;

(iv) Expenditure on staff paid from contingencies;

(v) Expenditure on games and Sports.

(6) For an Educational Institution other than High School and Primary School, staff pattern and maximum contingencies admissible for purpose of grant-in-aid will be as may be prescribed by Government from time to time.

(7) The emoluments paid to teachers under training and those to their substitutes shall be admitted for grant-in-aid.

Maintenance grant for special Institutions.

34. Grant-in-aid to all types of special institutions like Pre-Primary Schools, Balak Mandir, Teachers Training Institutions, Music and Art Institutions, Institutions for study of Sanskrit and Oriental Languages, Institutions for Blind and Deaf and such other institutions as are recognised as special institutions by Government, for purposes of this Rule, shall receive grant-in-aid at the rate of 75 per cent of the admissible expenditure, or the total net deficit whichever is less. Items and extent of admissible expenditure will be as may be laid by Government from time to time.

Building Grant.

35. Grant will be admissible to recognised educational institutions in aid of erecting, purchasing, enlarging or remodelling, buildings, premises, hostel, teachers quarters and for the provision of play grounds, gymnasia, workshops and laboratories.

36. The maximum building grant shall be as follows :—

(a) For institutions in urban areas the building grants shall be one third of the total expenditure.

Note.— Urban areas for the purpose of this Rule shall be towns having a population of 10,000 or more according to the latest census.

(b) The building grant for the following types of institutions shall be at 50 per cent of the total expenditure:—

(i) For institutions in rural areas;

Note.—Rural areas for the purpose of this Rule shall be towns or villages having a population of less than 10,000, according to the latest census.

(ii) Girls Institutions;

(iii) Special Institutions defined under Rule 34;

(iv) For buildings directly necessary for the efficient teaching of Science and Technical subjects (excluding Domestic Science and Physiology. Hygiene), viz., Laboratories, Workshops and Science Lecture theatres.

37. All applications for building grants shall be made in the prescribed form, as shown at Appendix III, to the inspecting authority and must invariably be accompanied by full plans and estimates which must be signed by the person who has drawn them up and by the Manager of the Governing Body of the institution.

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38. The Inspecting Authority will scrutinise the Plans and estimate in consultation with the P.W.D. authorities and will submit the same for approval to Government through proper channel. The manager of the institution concerned shall carry out such alterations as is considered necessary by the Government before the grant is sanctioned.

39. Before a building grant is sanctioned, the Manager must satisfy the sanctioning authority, (i) of their ability to defray the share of the expenditure falling on them, (ii) that the building intended will be devoted strictly to educational purposes and, (iii) that their title to the site on which the building is to be erected, is genuine and without encumbrances.

40. When the work is completed, the management shall furnish a certificate from an Officer of the State P.W.D., not below the rank of an Executive Engineer as to the actual cost of construction. The certificate shall also state if the work has been carried out in accordance with the approved plans and estimates.

41. If the building or the land for which the grant has been made is diverted to any purpose other than that approved by the sanctioning authority, the manager of the institution shall be liable to refund the whole amount of the grant of such proportion thereof as may be determined by the sanctioning authority whose decision on the point will be final and binding.

42. For buildings already started or completed before these Rules come into force, the inspecting officer should satisfy himself that the building will serve the purpose of an educational institution and the Executive Engineer will certify its cost and soundness.

43. The Manager of an institution to which building grant is paid shall execute an agreement as prescribed in Appendix V.

Equipment Grant.

44. Equipment grants may be made to the manager of recognised Educational Institution for purposes mentioned in Rule 5 sub-rule (3). The maximum limit of such grants will be 50 per cent of actual expenditure on those items except in the case of science laboratory fittings in respect of Physics, Chemistry, (except Chemicals), Biology, Agriculture and Technical subjects, workshop, Gas Plants and its installation the rate of equipment grants shall be 75 per cent of the expenditure.

45. Grants for equipment shall be sanctioned by Government and payable only on the production of Vouchers together with a certificate that the items of expenditure have been approved by the competent authority.

APPENDIX I.

Form of Application for Grant-in-aid.

[Rule 25.]

Name of School.....
Grade of School..... .....
Governing Body.....

Staff.		Average enrolment during the six months preceding date of application.
Name of teacher.	Qualification.	Salary Rs.

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Average daily attendance for six months preceding date of application.

Rate of fee in each class

Class.	Rs.	nP.
.....		

Total.

(Annual) Income and Expenditure (during the preceding year).....

Income.	Rs. nP.	Expenditure.	Rs. nP.
(1) Fees excluding boarding charges from.....to.....		(1) Teaching staff.	
(2) Endowments.		(2) Clerks & Servants.	
(3) Subscriptions, donations and grants (attach full details.)		(3) Rent and Taxes.	
		(4) Contingencies.	
	.....		.....
Total.		Total.	

.....

Correspondent.

Estimated Income and Expenditure for each year of ensuing triennium.

Receipt.	Amount. Rs. nP.	Expenditure.	Amount. Rs. nP.
(1) Income from endowments.		Expenditure on—	
(2) Subscriptions and donations.		(1) Teaching Staff.	
(3) Estimated receipts by fees—		(2) Clerks and Servants.	
(a) Ordinary.		(3) Rents.	
(b) Special.		(4) Taxes.	
(4) Miscellaneous Receipt.		(5) Contingencies.	
	.....		.....
Total.		Total.	

Declaration.

On behalf of the management of the School, I hereby declare that the conditions of recognition and aid laid down in the Education Manual and

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Rules for Grant-in-aid are being and will continue to be fully observed, and that I am prepared to subject the institution with its current endowment and trust accounts, its establishment, time-tables and registers to inspection and to furnish such returns as may be required by the department.

(Signature)..... .....

Correspondent.

Station.....

Date.....19...

APPENDIX II.

Financial Statements for the Year 19. .

[Rule 25]

.....School.....

Receipt.	Rs. nP.	Expenditure.	Rs. nP.
A.		Expenditure on—	
1. Actual income from tuition fees.		1. Teaching Staff.	
2. Income from endowments.		2. Clerks and Servants.	
3. Subscriptions and Donations.		3. Rents, taxes and Insurance.	
4. Other sources (to be specified, e.g., mission Railway of Municipal Grants.		4. Contingencies (Details of above items to be attached to separate statement).	
	.....		.....
Total		Total.	
B.	.....		.....
5. Grants-in-aid—		5. Building.	
(a) Annual Maintenance.		6. Furniture & Apparatus.	
(b) Buildings.		7. Books.	
(c) Special.		8. Other heads (to be specified.)	
(d) Other heads (to be specified.)			
	.....		.....
Total		Total.	
	.....		.....
Grand Total.			
C.	.....		
Reserve fund—		Transferred to Reserve Fund.	
Opening Balance.			
Closing Balance.			

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Certificate.

On behalf of the Governing Body, I hereby certify that the above statement is correct, that the expenditure has been incurred, and that no part of the expenditure under items I-4 relates to objects for which a separate grant is sanctionable.

Station.....

Date.....19..

.....
Correspondent.

APPENDIX III.

Form of Application for Building Grant.

[Rules 25 & 37]

Name of institution.....

Governing Body.....

Object of the Grant.....

Source and amount of the proposed actual expenditure—

Sources.	Amount.	Building Grant previously drawn by the institution.
		Year, Amount, No. and date of sanctioning order.
1. Endowments.		
2. Subscription.		
3. Other Sources.		
4. Grant now applied for.		
	.....	
Total.		

Certified—

1. The title to the site is good and the management are prepared to execute a trust-deed in accordance with Appendix V.
2. The Governing Body is able to defray the share of the above expenditure for which the managers are responsible.
3. The plans, estimates and specifications are sent herewith.

Station.....

.....
Correspondent.

Date.....19..

APPENDIX IV.

Form of Application for Equipment Grant

[Rules 25 & 44.]

Name of Institution.....

Grade.....

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Amount of Grant applied for.....
Total cost of proposed Equipment.....
Amount and date of any special grant previously drawn.....
Remarks:—

.....
Correspondent.

Station.....

Date.....19....

Endorsement of Inspecting Officer.

Note.—A detailed list showing the cost of each article of equipment and the number of articles must be attached to this application.

APPENDIX V.

[Rule 43.]

Indenture.

This indenture made the.....day of.....19.. between Managers of the School.....at.....of the one part and the Governor of Madhya Pradesh acting through the Director of Public Instruction, Madhya Pradesh of the other part **Whereas** the said..... .....have applied for a Government grant in-aid of Rs..... for a house and premises situated at.....and bounded on the north by etc., (here give full description so as to identify the house and premises) to be used for the said School and which amount the said Governor of Madhya Pradesh acting through the said Director has agreed to give subject to the Government grant-in-aid Rules and conditions.

Now this indenture witnesseth that in consideration of the said sum of Rs.....duly received by the said.... .....for the said purpose, the.....said..... ..for themselves and their successors and representatives in office of title agree and bind themselves as follows:—

(a) That the said grant has been made and accepted subject to all the conditions of the Government grant-in-aid Rules now in force or which may here after be brought into force in substitution or modification thereof.

(b) That if the aforesaid house and premises shall at any time hereafter be diverted to any purpose other than that of the school for which the grant was sanctioned or if the said School shall cease to be open to inspection by Educational Officers of Government or to be maintained in a State of efficiency adjudged reasonable by the Director of Public Instruction, Madhya Pradesh or if the conduct of the school regarding political matters be considered by the Director of Public Instruction to be such as to be prejudicial to the interest of the students attending it the Governor of Madhya Pradesh shall have the absolute right in preference to any other intending purchaser of purchasing if he so desires the said house and premises at a valuation to be fixed by arbitration as hereinafter provided after deducting from it such proportion of the grant hereby made as shall equal the proportion of

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which such valuation may bear to the original cost of the said house and premises.

That one arbitrator shall be appointed by Government and another by the said.....and the arbitrators shall, if they disagree appoint an umpire and that their decision or of the umpire as to the valuation shall be final and binding upon both parties.

And it is further agreed that as security for the said sum of Rs..... the said house and premises shall remain mortgaged by way of simple mortgage with the said Governor of Madhya Pradesh and in the event of the said Governor of Madhya Pradesh deciding not to purchase the said house and premises in pursuance of clause (b) aforesaid he shall on the happening of any of the event therein specified have the right in the event of the said..... or their successors and representatives in office or title for the time being failing to pay back on demand by the Director of Public Instruction, Madhya Pradesh, the said sum of Rs.....to cause the said house and premises hereby mortgaged to be sold and the proceeds applied so far as may be in payment of the said sum of Rs.....in accordance with the provisions of the Transfer of Property Act, 1882.

Affix their hands.

In witness thereof—

Witnesses—

1.....

2.....

Note.—The document must be attested by at least two witnesses and they must see that all the executants put their signatures to the document. Every one of them must be made to add a note after their attestation that this has been done thus "Signed in my presence by.....who are personally known to me."

Note for Registering Officers.—All indentures by way of mortgage executed by managers of aided institutions in consideration of building grants received from Government are exempt from stamp duty and registration fees under old Madhya Pradesh Government Separate Revenue and Registration Department Notifications Nos. 822/470/VIII, dated the 16th September, 1941 and 258/60/IX, dated the 20th April, 1943, respectively.

ORDER OF THE DIRECTOR OF EDUCATION, MADHYA PRADESH, REGARDING TEACHERS APPEARING IN THE EXAMINATION WITHOUT PERMISSION

No. Pry/IPM/135/66-67. Dated, 30th May, 1967.

It has been brought to the notice of this Directorate that teachers and other Government Servants in the Subordinate Services appear in the Board/ University Examinations without obtaining prior permission of the competent authority. This has given rise to many complaints and create an atmosphere of dis-discipline. It has, therefore, been decided to take strict disciplinary action against persons appearing in any examination without prior permission. The minimum punishment in such cases should be withholding of the annual increment for one year without prejudice to future increments and debarring from further promotion for three consecutive years from the date of passing the Examination, entitling them to such promotion.

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These orders should be brought to the notice of all the Government Servants working under you and action should be taken in the light of the above order.

Director of Education
Madhya Pradesh.

GRANT OF AGE AND FEE CONCESSIONS TO THE REPATRIATES FROM BURMA AND CEYLON.

The State Government of Madhya Pradesh, General Administration issued the Memorandum No. 1205/1631/573-1 (iii)/66. dated, Bhopal, the 7th of June, 1966 on the subject of "Grant of age and fee concessions to the repatriates from Burma and Ceylone" in continuation with the General Administration Department Memorandum No. 84-3797-I(iii)/65 dated the 10th of January, 1966, as under:—

In continuation of this Department's memorandum referred to obove regarding grant of priority to the migrants from Burma and Ceylon for absorption in posts under Government, the State Government have further decided that repatriates from Burma and Ceylon who have migrated to India on or after 1-6-1963 to 1-11-1964, respectively, should be granted the following concessions:-

1. **Age Concessions :—**

(a) **Appointments filled on the results of the Competitive Examination held by the Madhya Pradesh Public Service Commission.**

A relaxation of age limit will be allowed upto 3 years in excess of normal upper age limit subject to the condition that a candidate will not be allowed to avail of more than two chances in respect of recruitment to a service or group of services than the maximum number of chances permissible to any general candidate under normal age limits.

(b) **Appointments not covered by (a) above.**

The maximum age limit for entry into Government service as well as for permanent absorption therein is relaxed upto 45 years.

(c) **Migrants from Burma and Ceylon belonging to Schedule Castes or Schedule Tribes.**

The age limits mentioned in (a) and (b) are further relaxed by five years for persons belonging to Scheduled Castes and Scheduled Tribes, both in case of Gazetted and non-Gazetted posts in the State Services under the purview of the Commission.

2. **Fee Concessions.**

To help such of the displaced persons as are not in a position to pay the application fees prescribed for the posts advertised by the Public Service Commission or for admission to Competitive Examination conducted by them, the Commission are authorised to remit the prescribed application or examination fee where they are satisfied that the applicant is *bona fide* repatriate and is not in a position to pay the prescribed fee.

3. The above concessions shall remain in force upto 28th February, 1969 and will apply to recruitment/Examinations advertised/notified by the Commission on or after 1st May, 1966.

4. In order to be eligible for the above concesssions, the migrants from Burma should produce the necessary documents laid down in this Department's

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Memorandum, under reference. Similarly, the migrants from Ceylon claiming to be repatriate from that country should produce a certificate to that effect from the High Commission for India in Ceylon. In the case of migrants from Ceylon, the term "repatriate" is intended to cover Indians coming to India under the Indo-Ceylon Agreement of October, 1964.

Government of Madhya Pradesh Education Department

No. 10/2746/XX-7. Bhopal, dated the 29th September. 1966.
19th October, 1966.

To

1. The Director of Collegiate Education, Madhya Pradesh, Bhopal.
2. The Director of Public Instructions, Madhya Pradesh, Bhopal.
3. The Director of Technical Education, Madhya Pradesh, Bhopal.
4. The Principal, All Government & Non-Government Colleges, Madhya Pradesh.

Subject:—Exemption from payment of tuition fees to the children of class III and IV Government Employees studying in Educational Institutions in Madhya Pradesh.

1. The State Government are pleased to sanction exemption from the payment of tuition fees upto the first Degree standard to the children of all Class III and class IV Government servants,studying in the Education Institution in Madhya Pradesh. The children of such Government servants studying in the Technical Institutions will be given 50% exemption from payment of necessary fees.

2. These orders will be effective from 1st October, 1966.

3. The non-Government Educational Institutions will be re-imbursed by the State Government to the extent of the loss incurred by them on this account.

4. The concession will be subject to the following conditions:—

(a) This exemption will not cover any of the special fees levied for specific purposes such as Library, Games, etc.

(b) The exemption will be given on production of certificates from the head of the department/office, in which the parents of the student are serving.

(c) If a student fails in any year, he would be deprived of this concession. It would, however, be restored again after he is successful in that class, i.e., if a candidate fails in any year, he will have to pay fee for that year.

(d) The concessions can be withdrawn at any time without notice by Government, if student concerned has committed misconduct or takes part in any agitational activity or participates in strike.

By order and in the name of the
Governor of Madhya Pradesh.
Deputy Secretary to Government
M.P. Education Department.

Endorsement No. 11/2746/XX. Bhopal, dated the 29th September, 1966
19th October, 1966.

Copy with a spare copy forwarded to the Finance Department for information and favour of communication to the Accountant General, Madhya Pradesh, Gwalior.

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Under Secretary to Government
M.P. Education Department.

Endorsement. No. 12/2746/XX-2. Bhopal, dated the 29th September, 1966
19th October, 1966.

Copy for information and necessary action forwarded to:—

1. The Additional Secretary, General Administration Department, with reference to his D.O. No. 918/1/(iii) dated 12-9-1966.
2. All the Seretaries to the Government, of Madhya Pradesh.
3. All the Heads of Departments.
4. All Commissioners of Divisions.
5. All Collectors of Districts.
6. All Divisional Superintendent of Education.
7. Grants Section of Director of Collegiate Education with the request to issue necessary instructions regarding reimbursement of the loss to be incurred by the non-Government, Collegiate on this account.
8. Non-Collegiate Branch.
9. The Superintendent, Government Printing Press, Madhya Pradesh (Gazetted) Bhopal, with the request to publish it in the next issue of the Gazette.

(T.S. Krishnaswamy)
Under Secretary to Government,
M.P. Education Department.

Thenafter the following notification was issued, wherein the exemption was not given to the persons mentioned therein.

Government of Madhya Pradesh Education Department

Memo No. 228/9589/XX-V Bhopal ,dated the 6th January, 1967.

To

The Principals,
All Government and Non-Government Colleges,
Madhya Pradesh.

Director of Public Instruction/
Director of Technical Education.
Bhopal.

Subject:—Exemption from payment of tuition fees to the children of Class III and IV Government Employees.

Reference:—This Department Memo. No. 10/2746/XX-VI, dated 29-9-1966.

Please refer to this department memo quoted above. Reference asking for clarifications are being received from many colleges. It is clarified that the concession will not be admissible to the following categories:—

Children of:—

1. Retired/Dead Government Servants.
2. Central Government employees.
3. Bank Employees.

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4. Municipal Employees.
5. Employees of autonomous bodies.
6. Employees of Gram Panchayats.

The concession will not also be admissible to:—

1. Dependents or brothers and sisters of Government employees.
2. Repeaters/failures (Students).
3. Married daughters of Government employees studying in Colleges.

This concession is admissible upto the first Degree course i.e., it is not admissible for Post-Graduate classes.

(S.P. Varma)
Deputy Secretary to the
Government, M.P.
Education Department.

Copy of letter No. 6305/CR/277-XX-SC dated the 23rd October, 1963 from the Deputy Secretary to Government of Madhya Pradesh Education Department addressed to the Vice-Chancellors, Vikram/Sagar and Jabalpur University and to the Chairman, Board of Secondary Education, Madhya Pradesh, on the following subject:—

Subject:—Relief to children of Goldsmith affected by the Gold Control Order—Educational Facilities.

In pursuance of the policy to give educational concessions to the children of goldsmith whose names are recommended by the Collector and whose income is certified to have exceeded Rs. 1,200/-per annum before the 9th January, 1963 and has since declines to below Rs. 100/-per month after that date, it has been decided by the State Government that those children who may be appearing for the University/Board examination of March/April, 1964, should not be charged any examination fees, if any fees have already been received on their behalf these may please be refunded to them. In respect of those who have not yet paid their fees, the concession granted by you may kindly be reported to the State Government alongwith fees refunded if any. The amounts so exempted or refunded will be reimbursed to you by the State Government.

Copy of the letter No. 6307/187/XX-CC, Bhopal, dated the 23rd October, 1963 from the Deputy Secretry to Government of Madhya Pradesh, Education Department addressed to the Director of Public Instruction, Madhya Pradesh, Bhopal.

Subject:—Measures for relief to Goldsmith affected by the Gold Control Order—Education Facilities.

Reference:—This Department Memo No. 187/ES/63, dated 8-8-1963, and Labour Department Memo No. 5891/67/45/XVI, dated 26-8-1963.

In amplification of the orders contained in the memorandum referred to above, it has been decided that if prior to the receipt of these orders, any admission fee, game fee, examination fee or any other fee at all levels have already been collected from the children of goldsmith who are eligible for the concessions contained in these orders. They should be refunded to the student concerned. For this purpose, the Principals/Headmasters of Government institutions should draw the amount of the total fees to be refunded by submitting a contingent bill to the treasury and, after disbursing the refund take a receipt from each student for the amount has received. A statement of all such refunds should be submitted to Government by the Principals/Headmaster within a month after

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reimbursement. The Principals/Headmasters of non-Government institutions should be refunded the fees to the students from out of their own funds and obtain from the students receipts for the amount so received by them. A consolidated rstatement in respect of each institution showing the amounts refunded should sbe submitted by the Principal/Headmasters to Government within a month of the reimbursements. These amounts will be paid to the institutions in the form of additional grants.

2. It has also been decided that the course books should be supplied free during the current financial year (1963-64) to the students concerned by giving them cash grants equivalent to the value of the books subject to the following limits:—

Pre-Higher Secondary

Class I & II	Rs. 5/—
Class III to V.	Rs. 15/—
Class VI to VIII.	Rs. 25/—
Class IX to XI.	Rs. 40/—

Degree Courses

B.A.	Rs. 75/—
B.Sc.	Rs. 100/—
M.A.	Rs. 125/—
M.Sc.	Rs. 150/—

Technical Courses.

Polytechnics.	Rs. 100/-
Engineering College.	Rs. 150/-

The payment of this grant in respect of Government institutions would be made by the Principal/Headmaster who shall draw the amount required against the provisions of Rs. 50,000 made in the supplementary budget for 1963-64 under **"28-Education-B-Secondary-Non-Plan) B-1(6) Government Secondary Schools Contingencies"**, and disburse the grants according to the Schedule given above. A consolidated statement of the amounts drawn on account of each grants in lieu of books should be submitted as soon after the dispursal as possible and forward to Government, the Principals/Headmasters will make payments to the students according to the schedule given above for their own funds and submit to Government within a month of the payment a consolidated statement of all such payments This amount will be reimbursed to the institutions in the form of additional grants.

By order and in the name of the
Governor of Madhya Pradesh.

कार्यालय जिला शिक्षा अधिकारी इन्दौर मण्डल इन्दौर

क्रमांक । परीक्षा । जन ।६७ इन्दौर दिनांक १०-७-१९६७

परिपत्र

भिन्न-भिन्न परीक्षाओं में सम्मिलित होने के संबंध में अनुमति प्रदान करने के जो भी नियम बनाये गये हैं । वे पूर्व में इस कार्यालय के पृष्ठ लेख क्रमांक जन । २।५४९४५। ५५०७० दिनांक ११।६।१९६३ द्वारा प्रसारित कर ही दिये गये हैं । साथ ही हाल ही में श्रीमान् संचालक महोदय लोक शिक्षण मध्य प्रदेश, भोपाल की ओर से प्राप्त हुए आदेश भी संस्था के प्रमुखों के पास इस कार्यालय के पृष्ठ क्रमांक २१८९-२३१९ । सी । एस ६३ दिनांक ५।७।१९६३ द्वारा पहुंचा दिये गये हैं ।

इन नियमों को कार्यान्वित करने का भार भिन्न-भिन्न क्षेत्रों में निम्न प्रकार से होगा :-

(१) जिला शिक्षा अधिकारी, प्रधान अध्यापक, माध्यमिक विद्यालय, सहायक जिला शिक्षा अधिकारियों को अनुमति देंगे ।

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(२) सहायक जिला शिक्षा अधिकारी उनके अधीनस्थ प्राथमिक विद्यालय में जितने भी शिक्षक होंगे उनके २० प्रतिशत को अनुमति दे देंगे। उदाहरणार्थ यदि उनके अधीनस्थ विद्यालय में १०० शिक्षक हुए तो वे २० शिक्षकों को प्रायवेट रूप से या शासकीय सेवा में रह कर शिक्षण संस्था में प्रवेश पाने की अनुमति देंगे। दोनों ही प्रकार की अनुमतियां मिला कर २० प्रतिशत से अधिक न हो।

(३) प्रधान अध्यापक माध्यमिक विद्यालय अपने अधीनस्थ कर्मचारियों को नियमानुसार अनुमति देंगे।

(४) उन प्राथमिक विद्यालयों के प्रधान अध्यापक जहां पांच या पांच से अधिक सहायक शिक्षक हों अपने सहायकों को अनुमति दे सकेंगे। इन शालाओं के प्रधान अध्यापक को सहायक निरीक्षक अनुमति देंगे। इनकी गणना सहायक निरीक्षक द्वारा अनुमति प्रदान किये जाने वाले शिक्षकों के साथ होगी। सहायकों की नहीं। ये उनके योग में सम्मिलित किये जायेंगे व इनके मिलाने के बाद जो तादाद होगी उसके बीस प्रतिशत को अनुमति दी जा सकेगी।

महाविद्यालय में प्रवेश पाने की प्रायवेट परीक्षार्थी के रूप में सम्मिलित होने की अनुमति देते समय निम्नलिखित बातों पर ध्यान दिया जाय :–

(अ) महाविद्यालय में प्रवेश पाने वाले व प्रायवेट रूप से परीक्षाओं में सम्मिलित होने वाले दोनों की ही संख्या संयुक्त रूप से २० प्रतिशत से अधिक न होना चाहिये।

(ब) जिन जिन को भी अनुमति दी जावे उसका लेखी रिकार्ड रखा जाय, मौखिक अनुमति, अनुमति नहीं मानी जायगी। साथ ही जितने शिक्षकों ने अनुमति चाही, कितनों को दी गई, कितनों के आवेदन पत्रों को अस्वीकृत किया गया आदि का स्पष्ट उल्लेख प्रकरण में अनिवार्य रूप से रहे।

(स) जिन जिन के परीक्षा में सम्मिलित होने के आवेदन-पत्र प्रति हस्ताक्षर के लिए समक्ष वरिष्ठ अधिकारी को भेजा जावे उसका भी पूर्ण लेखा जोखा रहे।

(द) जिला शिक्षा अधिकारी जितने आवेदन पत्र प्रति हस्ताक्षर करके विश्वविद्यालय को हस्तान्तरित करके भेजें उसका एक रजिस्टर में उल्लेख हो व उसकी फेहरिस्त रजिस्ट्रार विश्वविद्यालय की ओर यह स्पष्ट उल्लेख करके भेजी जावे कि उनके द्वारा कुल कितने आवेदन पत्र प्रेषित किये जा रहे हैं।

आवेदन पत्र अग्रेषित करने के पूर्व यह पूरी पूरी तरह से देख लिया जाय कि प्रकरण विश्वविद्यालयों के नियमों में आता है। कार्यालय में सही प्रकार के लेखे जोखे के अभाव में कुछ स्वार्थी तत्वों ने अधिकारियों के फर्जी दस्तखत बनाकर विश्वविद्यालयों को धोखा देने का प्रयत्न किया है। यह इसलिए सम्भव हो सका कि उनके कार्यालय की कार्यवाही व्यवस्थित नहीं थी। मुझे आशा है कि, संस्था के प्रमुख उन्हें इस प्रकार का अवसर प्रदान नहीं करेंगे।

संक्षेप में शासकीय नियमों के अन्तर्गत आयोजित कार्यवाही करें। कार्यवाही को इतनी व्यवस्थित रखें कि किसी व्यक्ति को या अन्य किसी स्वार्थी तत्वों को किसी तरह से अधिकारी को धोखा देने में सफलता प्राप्त न हो सके। साथ ही सारी कार्यवाही न्यायपूर्ण हो जिससे जब

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कोई उच्च अधिकारी उस कार्यवाही का अवलोकन करें तो उनका पूरा पूरा समाधान हो । आशा है उपरोक्त का पूर्णतया पालन होगा ।

अनुमति देने में सक्षम अधिकारी निम्न बातों का ध्यान रखेंगे :—

(१) शिक्षक का न्यूनतम एक वर्ष का सेवाकाल होना चाहिये ।

(२) शिक्षक का कार्य और व्यवहार सन्तोषजनक होना चाहिये ।

(३) शिक्षक से लेखी में लेना चाहिये कि, वह परीक्षा के लिए केवल परीक्षा के दिनांकों को छोड़ कर किसी प्रकार का कोई भी सेवा अवकाश नहीं लेगा ।

(४) यदि शिक्षक के कार्य एवं व्यवहार में कमी पाई जावे या जनहित की दृष्टि से आवश्यक हो तो परीक्षा अनुमति भी निरस्त की जा सकती है ।

शिक्षकों को अनुमति देने में निम्न प्रकार से प्राथमिकता दी जाना चाहिए :—

(१) जिनका सेवाकाल अधिक हो एवम् जिनकी कला का परीक्षा परिणाम खंडित हो और जो शिक्षण के अतिरिक्त संस्था के अन्य कार्य कलापों में सहयोगात्मक भाग लेता हो ।

(२) जिन्होंने पूर्व में दी गई परीक्षा में प्रथम या द्वितीय श्रेणी प्राप्त की हो ।

(३) जिन्होंने किसी परीक्षा का पूर्व भाग गत वर्ष में अनुमति से उत्तीर्ण किया हो।

(४) गत वर्ष अनुत्तीर्ण विषयों को किसी भी प्रकार से प्राथमिकता न दी जावे ।

(एस. रमन विजयवर्गीय)
जिला शिक्षा अधिकारी
इन्दौर मण्डल

क्रमांक । परीक्षा । जन । ६७ । ३६०००—३६५०० इन्दौर, दिनांक १०।७।६७

प्रतिलिपि :—

(१) समस्त सहायक निरीक्षक महोदय, शिक्षा विभाग, इन्दौर मण्डल की ओर ।

(२) समस्त केन्द्राध्यक्ष महोदय, प्रधान अध्यापक महोदय, प्रधानाध्यापिका महोदया, शासकीय एवं अशासकीय मान्यता प्राप्त शिक्षण संस्थाओं को सूचनार्थ एवं पालनार्थ अग्रेषित । उक्त आवेदनों का पालन किया जावे तथा समस्त सहायक शिक्षक एवं शिक्षिकाओं को इससे अवगत कराया जावे । स्वीकृति देने वाले अधिकारी समस्त आवेदन पत्र एक रजिस्टर में अंकित करेंगे एवं नियमानुसार जिन्हें स्वीकृति दी गई है उनकी सूची सहायक निरीक्षक की ओर भेजेंगे । सहायक निरीक्षक अपने वृत की स्थाई सूची कार्यालय में प्रस्तुत करेंगे । गत वर्ष यह पाया गया कि, सहायक निरीक्षक तथा केन्द्राध्यक्ष द्वारा दी गई परमिशन की जानकारी इस कार्यालय में नहीं भेजी गई है । अतः इस बात का पूर्ण रूप से ध्यान रखा जावे ।

जिला शिक्षा अधिकारी
इन्दौर मण्डल

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PART III.

1. The Madhya Pradesh Shasakiya Sevak Anivarya Sevanivritti Ka Vidhimanyatakaran Adhiniyam, 1967.
2. The Madhya Pradesh Shaskiya Sevak (Adhivarshiki Ayu) Adhiniyam, 1967.
3. The Madhya Pradesh Atyavashyak Seva Sandharan Adhiniyam, 1967.
4. The Madhya Pradesh Government Servants (Service Association) Rules, 1967.
5. The Madhya Pradesh Civil Services (Conduct) Rules, 1965.
6. The Madhya Pradesh Civil Services (Classification, Control and Appeal) Rules, 1966.

THE MADHYA PRADESH SHASAKIYA SEVAK ANIVARYA SEVANIVRITTI KA VIDHIMANYATAKARAN ADHINIYAM, 1967.

[Madhya Pradesh Act No. 5 of 1967.]

(Received the assent of the Governor on the 15th April, 1967; Assent first published in the 'Madhya Pradesh Gazette" Extraordinary, on the 20th April, 1967.)

An Act to validate retirement of certain Government Servants in the State of Madhya Pradesh and to provide for certain matters connected therewith;

Be it enacted by the Madhya Pradesh Legislature in the Eighteenth Year of the Republic of India as follows:—

1. Short Title.—This Act may be called **the Madhya Pradesh Shasakiya Sevak Anivarya Sevanivritti Ka Vidhimanyatakan Adhiniyam, 1967.**

COMMENTARY.

1. **Scope**—Formerly the Governor of Madhya Pradesh was promulgated by the Madhya Pradesh Shaskiya Sevak Anivarya Sevanivritti Ka Vidhimanayatakaran Adhyadesh, 1967 (Madhya Pradesh Ordinance No. 2 of 1967) to validate retirement of certain Government Servants in the State of Madhya Pradesh. The said Ordinance was published in the Madhya Pradesh Rajpatra (Asadharan) dated the 10th day of February, 1967 at page 373.

The Madhya Pradesh Shaskiya Sevak Anivarya Sevanivritti Ka Vidhimanyatakaran Adhiniyam, 1967 (Madhya Pradesh Act No. 5 of 1967) was published in the Madhya Pradesh Rajpatra (Asadharan, on the 20th of April, 1967 at Page 1471. It has replaced the Ordinance No. 2 of 1967.

2. **Preamble.**—It is an Act to validate retirement of certain Government servants in the State of Madhya Pradesh and to provide for certain matters connected therewith

3. **State of Objects and Reasons.**—The Statement of Objects and Reasons were published in the Madhya Pradesh Rajpatra (Asadharan) dated the 31st day of March, 1967 at page 1214.

2. Madhya Pradesh (Age of Compulsory Retirement) Rules 1965 to have retrospective effect.—(1) The Madhya Pradesh (Age of Compulsory Retirement) Rules, 1965 replacing the provisions of the Madhya Pradesh General Administration Department Memorandum No. 433-253-I (iii)-63 dated the 28th day of February, 1963 (hereinafter referred to as the Memorandum) shall be deemed to have come into force with effect from the Ist March, 1963.

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(2) Anything done or any action taken in pursuance of the directions contained in the Memorandum shall be and shall always be deemed to have been done or taken under the corresponding provisions of the aforesaid Rules, as if the aforesaid Rules were in force on the date on which such thing was done or action was taken and shall not be called into question in any Court on the ground that the provisions of the Memorandum were not issued in the form of Rules made by the Governor of Madhya Pradesh under Article 309 of the Constitution and could not, therefore, regulate the conditions of service of Government servants serving in connection with the affairs of the State.

COMMENTARY

1. **General.**—After the decision of the Supreme Court of India in **I.N. Saxena Vs. State of Madhya Pradesh** reported in 1967, Jabalpur Law Journal, 507, invalidating the retirement of the Government Servants after they attain the age of 55 years on three months' notice on the basis of the General Administration Department Memorandum No. 433-258-1(iii)-63 of the 28th day of February, 1963, the enactment of this Act became essential, to avoid further complications.

3. **Amendment of Fundamental Rules.**—(1) For Rule 56 of the Fundamental Rules applicable to the State of Madhya Pradesh, the following Rule shall be substituted, namely:—

"56. Subject to the provisions of the Madhya Pradesh (Age of Compulsory Retirement) Rules, 1965, read with Section 2 of the Madhya Pradesh Shasakiya Sevak Anivarya Sevanivritti Ka Vidhimanyatakaran Adhiniyam, 1967 (Act 5 of 1967), the date of compulsory retirement of a Government Servant, other than a Class IV employee, is the date on which he attains the age of 58 years.

The date of retirement of a Class IV Government Servant is the date on which he attains the age of 60 years."

(2) The amendment made by sub-section (1) shall be deemed to have formed part of the Fundamental Rules applicable to the State of Madhya Pradesh with effect from the 1st March, 1965.

4. **Amendment of the Madhya Pradesh District and Sessions Judges (Death-cum-Retirement Benefit) Rules, 1964.**—(1) For sub-rule (1) of Rule 2 of the Madhya Pradesh District and Sessions Judges (Death—Cum—Retirement Benefits) Rules, 1964 the following sub-rules shall be substituted, namely:—

"(1) The All India Services (Death-Cum-Retirement Benefits) Rules, 1958, as amended from time to time (hereinafter referred to as the said Rules) shall apply mutatis mutandis to;

(a) all permanent District and Sessions Judges drawn from amongst the officers of the Judicial Service of the former State of Madhya Pradesh in the same manner as they have hitherto applied to them with effect from 29th October 1951, by virtue of Rule 7(2) of the Madhya Pradesh Judicial Service (Classification, Recruitment and Conditions of Service) Rules, 1955;

(b) all permanent District and Sessions Judges in the State who are drawn from amongst the officers of the Judicial Services of the former State of Madhya Pradesh, Vindhya Pradesh and Bhopal, with effect from 1st April, 1958 subject to the exercise of opinion as provided in Rule 3;

(c) all other permanent District and Sessions Judges in the State not falling within Clause (a) and (b) above".

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(2) The amendment made by sub-section (1) shall be deemed to have formed part of the Madhya Pradesh District and Sessions Judges (Death-cum-Retirement Benefits) Rules, 1964, from the commencement thereof.

5. **Validation.**—Notwithstanding any judgment, decree or order of any Court, all Government servants serving in connection with the affairs of the State who were compulsorily retired or purported to have been compulsorily retired in accordance with the Memorandum as replaced by the Madhya Pradesh (Age of Compulsory Retirement) Rules, 1965, referred to in Section 2 during the period beginning with 1st March, 1963 and ending on the 15th July, 1965 shall be and shall always be deemed to have been validly retired in accordance with the conditions of service applicable to them at the relevant time as if the provisions of Sections 2 and 3 had been in force at all material times when such retirement was ordered and accordingly—

(a) all notices served on such Government Servants after their completion of the age of 55 years shall be deemed to be and to have always been issued in accordance with the Rules governing their conditions of Service;

(b) no suit or other proceeding shall be maintained or continued in any Court for any amount whatsoever as a payment towards salary for the period beginning with the date on which a Government Servant had been compulsorily retired and ending on the date of his attainment of age of 58 years;

(c) no Court shall enforce any decree or order directing the payment of any such amount refunded to in clause (b) above.

6. **Repeal.**—The Madhya Pradesh Shasakiya Sevak Anivarya Sevanivritti Ka Vidhimanyatakaran Adhyadesh, 1967 (Ordinance No. 2 of 1967) is hereby repealed.

THE MADHYA PRADESH SHASKIYA SEVAK (ADHIVARSHIKI—AYU) ADHINIYAM, 1967.

(Madhya Pradesh Act No. 29 of 1967.)

(Received the Assent of the Governor on the 22nd December, 1967; Assent first published in the "Madhya Pradesh Gazette", Extraordinary on the 23rd December, 1967.)

An Act to provide for the age of superannuation of Government Servants in the State of Madhya Pradesh and for certain matters connected therewith.

Be it enacted by the Madhya Pradesh Legislature in the Eighteenth Year of the Republic of India as follows:

1. **Short title.**—This Act may be called **the Madhya Pradesh Shaskiya Sevak (Adhivarshiki—Ayu) Adhiniyam, 1967.**

COMMENTARY.

1. **General.**—The Madhya Pradesh Shaskiya Sevak (Adhivarshiki-Ayu) Adhyadesh, 1967 (Madhya Pradesh Ordiance No. 12 of 1967) was published in the Madhya Pradesh Rajpatra (Asadharan) of the 10th of October, 1967 at page 2649. The present Act has substituted the said Ordinance.

2. **Preamble.**—The Madhya Pradesh Shaskiya Sevak (Adhivarshiki-Ayu) Adhiniyam, 1967 (Act No. 29 of 1967) is an Act to provide for the age of superannuation of Government Servants in the State of Madhya Pradesh and for certain matters connected therewith.

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It was published in the Madhya Pradesh Rajpatra (Asadharan) dated the 28th day of December, 1967 at page 3144.

2. Amendment of Fundamental Rules.—For Rule 56 of the Fundamental Rules applicable to the State of Madhya Pradesh as substituted by Section 3 of the Madhya Pradesh Shasakiya Sevak Anivarya Sevanivritti Ka Vidhimanyatakaran Adhiniyam, 1967 (No. 5 of 1967) (hereinafter referred to as the said Act), the following Rule shall be substituted, namely:—

"56. (1) Subject to the provisions of the Madhya Pradesh (Anivarya) Seva Nivritti-Ayu) Niyam, 1967 as specified in Schedule to the Madhya Pradesh Shaskiya Sevak (Adhivarshiki-Ayu) Adhiniyam, 1967, the date of compulsory retirement of a Government Servant other than Class IV Government Servant, shall be the date on which he attains the age of 55 years;

(2) The date of compulsory retirement of a Class IV Government Servant shall be the date on which he attains the age of 60 years."

3. Amendment of the Madhya Pradesh District and Sessions Judge (Death-Cum-Retirement Benefits) Rules, 1964.—For sub-rule (I) of Rule 2 of the Madhya Pradesh District and Sessions Judges (Death-cum-Retirement Benefits) Rules, 1964 as substituted by Section 4 of the said Act, the following sub-rule shall be substituted, namely:—

"(I) Subject to provisions of sub-rule (I-A), the All India Services (Death—cum—Retirement) Rules, 1958, as amended from time to time (hereinafter referred to as the said Rules), shall apply mutatis mutandis to—

(a) all permanent District and Sessions Judges drawn from amongst the officers of the Judicial Service of the former State of Madhya Pradesh in the same manner as they have hitherto applied to them with effect from the 29th October, 1951, by virtue of Rule 7(2) of the Madhya Pradesh Judicial Services (Classification, Recruitment and Conditions of Service) Rules, 1955;

(b) all permanent District and Sessions Judges in the State who are drawn from amongst the officers of the Judicial Services of the former State of Madhya Bharat, Vindhya Pradesh and Bhopal, with effect from the 1st April, 1958, subject to the exercise of option as provided in Rule 3;

(c) all other permanent District and Sessions Judges in the State not falling within clauses (a) and (b) above.

(I-A) With regard to the age of compulsory retirement, the permanent District and Sessions Judges shall be governed by the Madhya Pradesh (Anivarya Seva Nivritti Ayu) Niyam, 1967, as specified in the Schedule to the Madhya Pradesh Shaskiya Sevak (Adhivarshiki-Ayu) Adhiniyam, 1967, and the provisions of Fundamental Rule 56, as substituted by Section 2 of the said Act."

4. Amendments when to come into force.—Amendments made by Sections 2 and 3 shall come into force with effect from the 15th December, 1967.

5. Repeal.—The Madhya Pradesh Shaskiya Sevak (Adhivarshiki-Ayu) Adhyadesh, 1967 (No. 12 of 1967) is hereby repealed.

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SCHEDULE.

[See Sections 2 and 3]

RULES.

1. (1) These Rules may be called **the Madhya Pradesh (Anivarya Seva Nivritti-Ayu) Niyam, 1967.**

(2) They shall come into force with effect from the 15th December, 1967.

2. (1) The age of compulsory retirement of Government Servants other than Class IV Government Servants shall be 55 years.

(2) The age of compulsory retirement of Class IV Government Servants shall be 60 years.

3. Those Government servants who have already attained the age of 55 years on the date mentioned in sub-rule (2) of Rule I and are in service on the said date shall, as from the said date, be entitled to such leave as may be due for a period not exceeding 120 days and shall stand retired on the date next following the date of completion of such leave:

Provided that the duration of such leave shall, in no case, extend, beyond the date of attainment of the age of 58 years.

4. A Government servant may be given extension of service beyond the age of 55 years subject to his physical fitness and outstanding quality of his work, but not ordinarily beyond the age of 58 years.

5. The Madhya Pradesh (Age of Compulsory Retirement) Rules, 1963 ars hereby repealed.

THE MADHYA PRADESH ATYAVASHYAK SEVA SANDHARN ADHYADESH, 1967

(Madhya Pradesh Ordinance No. 3 of 1967.)

Promulgated by the Governor in the Eighteenth Year of the Republic of India.

(First published in the "Madhya Pradesh Gazette" Extraordinary on the 10th February, 1967.)

An ordinance to provide for the maintenance of certain essential Services.

Whereas the State Legislature is not in Session and the Governor of Madhya Pradesh is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, therefore, in exercise of the powers conferred by Article 203 of the Constitution of India, the Governor of Madhya Pradesh is hereby pleased to make and promulgate the following Ordinance:—

1. **Short title, Extent and Duration.**—(I) This Ordinance may be called **the Madhya Pradesh Atyavashyak Seva Sandharan Adhyadesh, 1967.**

(2) It extends to the whole of Madhya Pradesh.

(3) It shall cease to have effect on the expiration of two years from its commencement except as respects things done or omitted to be done before such expiration.

2. **Definition.**—In this Ordinance—

(a) "Essential Service" means a Civil Service, of the State and includes every civil post under the State but does not include an All India Service;

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(b) "Strike" with respect to an Essential Service means—

(i) a total or partial cessation of work; or

(ii) a refusal to work; or

(iii) a demonstration or creating of disturbance in connection with the execution of regular office work; or

(iv) continuing or remaining within the office premises outside the office hours notified by Government in the Gazette from time to time; or

(v) absence from duty without prior sanction of leave;

by number of persons belonging to an essential service acting in combination or in a concerted manner or under a common understanding.

Explanation.—"Office premises" means the building to which the business of the office is transacted and shall include its verandahs and also the garden, grounds and out-houses, if any, appertaining to such buildings.

3. Power to prohibit strikes in Essential Services.—(1) If the State Government is satisfied that in the public interest it is necessary or expedient so to do, it may, by general or special order, prohibit strike in any essential service specified in the order.

(2) An order made under sub-section (1) shall be published in such manner as the State Government considers best calculated to bring it to the notice of the persons affected by the order.

(3) An order made under sub-section (1) shall, in the first instance, be in force for a period not exceeding six months but the State Government may, by a like order, extend it from time to time by a further period not exceeding six months at one time, if it is satisfied that in the public interest it is necessary or expedient so to do.

(4) Upon the issue of an order under sub-section (1)—

(a) no person employed in any essential service to which the order relates shall go or remain on strike; and

(b) any strike declared or commenced, whether before or after the issue of the order by persons employed in any such class of essential service, shall be illegal.

4. Penalty for illegal strikes.—Any person employed in any essential service, who commences a strike or remains or otherwise takes part in strike which is illegal under this Ordinance shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to two hundred rupees, or with both.

5. Penalty for instigation, etc.—Any person who instigates or incites others to take part in, makes any preparation for, or otherwise acts in furtherance of, a strike which is illegal under this Ordinance shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to five hundred rupees, or with both.

6. Penalty for giving financial aid to illegal strike.—Any person who knowingly expends or supplies any money in furtherance or support of a strike which is illegal under this Ordinance shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to five hundred rupees, or with both.

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7. Power to arrest without warrant.—Notwithstanding anything containing in the Code of Criminal Procedure, 1898 (V of 1898), any Police Officer may arrest without warrant any person who is reasonably suspected of having committed any offence under this Ordinance.

[This Ordinance was published in the M.P. Rajpatra (Asadharan) dated the 10th of February, 1967 at page 381.]

THE MADHYA PRADESH GOVERNMENT SERVANTS (SERVICE ASSOCIATION) RULES, 1967

Notification No. 2237-160-I (iii)-68, dated 30th January, 1968.—In exercise of the powers conferred by the proviso to Article 309 of the Constitution and in supersession of all previous instructions and Rules on the subject the Government of Madhya Pradesh hereby makes the following Rules, namely:—

1. Short title.—These Rules may be called **the Madhya Pradesh Government Servants (Service Association) Rules, 1967.**

2. Definitions.—In these Rules, unless the context otherwise requires.—

(a) "State Government" means the Government of Madhya Pradesh;

(b) "Government Servants" means any person to whom the Madhya Pradesh Civil Services (Conduct) Rules, 1965 apply.

3. The State Government will enter into correspondence with an Association only if it is proved to the satisfaction that such an Association represents not less than 20 per cent of the category or categories of Government Servants which it seeks to represent.

4. For the purpose of satisfying itself as to whether any Association fulfils the requirements of Rule 3, the State Government may call for such record from the Association, as it may deem fit and examine the same. The decision of the State Government as to the representative character of the Association shall be final.

COMMENTARY.

1. **General.**—These Rules are made in exercise of the powers conferred by proviso to Article 309 of the Constitution of India and published in supersession of all previous instructions and Rules on the subject vide notification No. 2237-160-I (iii)-68 of the 30th day of January, 1968, in the Madhya Pradesh Rajpatra Part IV (Ga) on the 16th day of February, 1968, at page 183.

THE MADHYA PRADESH CIVIL SERVICES (CONDUCT) RULES, 1965

1. Short title, Commencement and Application.—(1) These Rules may be called **the Madhya Pradesh Civil Services (Conduct) Rules, 1965.**

(2) They shall come into force at once.

(3) Save as otherwise provided in these Rules they shall apply to all persons appointed to Civil Services and posts in connection with the affairs of the State of Madhya Pradesh:

Provided that nothing in these Rules shall apply to Government Servants who are—

(a) members of the All India Service;

(b) holders of any posts in respect of which the Governor may, by genral or special order, declare that these Rules shall not apply:

Provided further that Rules 4, 6, 7, 12, 14, sub-rule (3) of Rule 15, Rule 16, sub-rules (1), (2) and (3) of Rule 18, Rules 19, 20 and 21 shall not apply to any

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Government Servants drawing a pay of Rs. 200/- or less per mensem and holding a non-gazetted post in any of the following establishments, owned or managed by Government, namely:—

(i) the Bhopal Tractor Organisation;

(ii) Public Works Establishments, in so far as they relate to work-charged staff;

(iii) factories as defined in clause (m) of Section 2 of the Factories Act, 1948 (Act 63 of 1948); and

(iv) establishments employing workmen governed by Labour Laws.

Explanation.—For the purposes of this proviso, "establishment" does not include any office mainly concerned with Administrative, managerial, supervisory security or welfare functions.

COMMENTARY.

1. **General.**—The Madhya Pradesh Civil Services (Conduct) Rules, 1965 were made in exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, by the Governor of the Madhya Pradesh vide notification No. 1539-3015-I (iii)-64, published in the Madhya Pradesh Rajpatra, Part IV (Ga) dated the 3rd of September, 1965 at page 846.

2. **Repeal.**—These Rules repeal all corresponding Rules in force immediately by before the commencement of these Rules and applicable to Government Servants to whom these Rules are made applicable, but any order made or action taken under the Rules so repealed shall be deemed to have been made or taken under the corresponding provisions of these Rules. See Rule 25 of these Rules.

Formerly the Madhya Pradesh Government Servants (Conduct) Rules, 1959 published by the General Administration Department Notification No. 2338-2645-I (iii) Bhopal, dated the 14th of November, 1959-Kartika 23, 1881 in the Madhya Pradesh Rajpatra of the 27th of November, 1959 at page 970 of Part IV (Ga) were in force.

Prior to the enactment of the Madhya Pradesh Government Servants (Conduct) Rules, 1959, the Madhya Pradesh Civil Services (Conduct) Rules, 1956 were in force.

3. **Amendments.**—These Rules were amended by the Notification No. 1267-731-I (iii) Bhopal, dated the 22nd June, 1966 and Notification No. 2279-C-R-320-I (iii) Bhopal, dated the 15th November, 1966.

The former notification of 22.6.1966 was published in the Madhya Pradesh Rajpatra, Part IV (Ga) on the 1st day of July, 1966 at page 666. The later notification of 15th of November, 1966 was published in the Madhya Pradesh Rajpatra Part IV (Ga) dated 25.11.1966 at page 978.

4. **Commencement.**—These Rules are to come in force at once. They are published in the Madhya Pradesh Rajpatra on 3.9.1965 at page 845 of Part IV (Ga).

5. **Factory.**—The term "Factory" is defined in the Factories Act, 1948 to mean any premises including the precincts thereof and whereon ten or more workers are working, or were working on any day of the preceding twelve months, and in any part of which a manufacturing process is being carried on with the aid of power, or is ordinarily so carried on or whereon twenty or more workers are working, or were working on any day of the preceding twelve months, and in any part of which a manufacturing process is being carried on

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without the aid of power, or is ordinarily so carried on but does not include a mine subject to the operation of the Mines Act or a railway running shed.

6. **Establishment.**—The term "establishment" is explained in the Explanation attached to the Rule.

2. **Definitions.**—In these Rules, unless the context otherwise requires,—

(a) "The Government" means the Government of Madhya Pradesh;

(b) "Government Servants" means any person appointed in any Civil Service or post in connection with the affairs of the State of Madhya Pradesh.

Explanation.—A Government Servant whose services are placed at the disposal of a company, corporation, organisation or local authority by the Government shall, for the purpose of these Rules, be deemed to be a Government Servant serving under the Government, notwithstanding that his salary is drawn from sources other than from the Consolidated Fund of the State.

(c) "Members of Family" in relation to a Government servant includes—

(i) the wife or husband, as the case may be, of the Government Servant, whether residing with the Government Servant or not, but does not include a wife or husband, as the case may be, separated from the Government Servant by a decree or order of a competent Court;

(ii) son or daughter or step son or step-daughter of a Government Servant and wholly dependent on him, but does not include a child or step-child who is no longer in any way dependent on the Government Servant or of whose custody Government Servant has been deprived by or under any law;

(iii) any other person related, whether by blood or marriage, to the Government servant or to the Government Servant's wife or husband and wholly dependent on the Government Servant.

COMMENTARY.

1. **Corresponding Law.**—The terms "the Government", "Government Servant" and "member of the family" were also defined in Rule 2 of the Madhya Pradesh Government Servants (Conduct) Rules, 1959. In the present Rule, these terms are defined very exhaustively.

2. **Government Servant.**—Rule 2(c) defines "Government Servant". In the General Book Circular, of the Government of Madhya Pradesh, 1958 Edition at page I, it is laid down that the "Government Servants" whether on leave or deputation of foreign service, continue to be subject to all the provisions of the Conduct Rules. Those Rules will apply with equal force to Government Servants visiting foreign countries, whether on official duty or on private affairs. Therefore, any breach, whether committed in India or abroad, of the provisions of these Rules, particularly those relating to the connection with the press or radio, criticism of policy or action of Government or expression of opinion on matters relating to foreign countries or communication of official documents or information will render the Government Servants liable to disciplinary action.

It is also laid down that the Government Servants visiting foreign countries are forbidden from giving expression to views on Indian or foreign affairs by making any written or oral statement in the press or on the platform or over the radio, without the specific prior consent of the Head of the Indian Mission accredited to the foreign country in question.

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3. **General.**—(1) Every Government Servant shall at all times—

(i) maintain absolute integrity;

(ii) maintain devotion to duty; and

(iii) do nothing which is unbecoming of a Government Servant.

(2) (i) Every Government servant holding a supervisory post shall take all possible steps to ensure the integrity and devotion to duty of all Government Servants for the time being under his control and authority.

(ii) No Government Servant shall, in the performance of his official duties or in the exercise of powers conferred on him, act otherwise than in his best judgment except that when he is acting under the direction of his official superior and shall, where he is acting under such direction, obtain the direction in writing, wherever practicable, and where it is not practicable to obtain the direction in writing, he shall obtain written confirmation of the direction as soon thereafter as possible.

Explanation.—Nothing in clause (ii) of sub-rule (2) shall be construed as empowering the Government servant to evade his responsibilities by seeking instructions from, or approval of, a superior officer or authority when such instructions, are not necessary under the Scheme of distribution of powers and responsibilities.

COMMENTARY.

1. **Corresponding Law.**—This Rule is corresponding to Rule 3 of the Madhya Pradesh Government Servants (Conduct) Rules, 1959. Formerly Rule 3 of the said Rules was as under—

> "3. **General.**—Every Government Servant shall at all times maintain absolute integrity and devotion to duty."

4. **Employment of near relatives of Government Servants in private undertakings enjoying Government Patronage.**—(1) No Government Servant shall use his position or influence, directly or indirectly to secure employment for any member of his family in any private undertaking.

(2) (i) Class I or Class II officers shall except with the previous sanction of the Government, permit his son, daughter or other dependent to accept employment in any private undertaking with which he has official dealings or in any other undertaking having official dealings with the Government:

Provided that where the acceptance of the employment cannot await prior permission of the Government or is otherwise considered urgent, the matter shall be reported to the Government; and the employment may be accepted provisionally subject to the permission of the Government.

(ii) A Government Servant shall, as soon as he becomes aware of the acceptance by a member of his family of an employment in any private undertaking intimate such acceptance to the prescribed authority and shall also intimate whether he has or has had any official dealings with the undertaking;

Provided that no such intimation shall be necessary in the case of a Class I or ClassII officer if he has already obtained the sanction of, or sent a report to, the Government under clause (i).

(3) No Government Servant shall in the discharge of his official duties deal with any matter or give or sanction any contract to any undertaking or any other person if any member of his family is employed in that undertaking or under that person or if he or any member of his family is interested in such matter or contract in any other manner, and the Government Servant shall

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refer every such matter or contract to his official superior and the matter or contract shall thereafter be disposed of according to the instructions of the authority to whom the reference is made.

COMMENTARY.

1. **Corresponding Law.**—This Rule is corresponding to Rule 4 of the Madhya Pradesh Government Servants Rules, 1959, but this Rule is very exhaustive than Rule 4 of the former Rules of 1959.

2. **General.**—This Rule prohibits the Government Servant to use his position or influence, directly or indirectly to secure employment for any member of his family in any private undertaking. It further prohibits Class I and Class II Officers of the Government to accept or permit his son, daughter or other dependent to accept employment in any private undertaking with which he has official dealing or in any other undertaking having official dealings with the Government, but in case of the employment may be accepted provisionally subject to the permission of the Government and the matter may be reported to the Government immediately. A Government servant is further duty bound to inform the Government where a member of his family has accepted the employment in the private undertaking, with which he has or has had official dealings. The Government Servant shall not discharge any official functions with such undertakings, where his family member is employed.

It is laid down in the General Book Circular of the Government of Madhya Pradesh (Revised Edition of 1958) at page 1 that where any proposal arises for the award of a contract or exercise of patronage in favour of any firm in which a son, daughter or dependent of a Government Servant is employed, the fact must be declared by the Government Servant concerned to the Government, and the case must be, thereafter, decided by another officer of equivalent or superior standing, as according to the Rule 3 every Government Servant is bound to maintain his dignity. The Government Servant is also bound to show civility and courtesy in his dealings with the members of the public.

3. **Member of Family.**—The term "members of family" is defined in Rule 2 (c) of these Rules.

5. **Taking Part in Politics and Elections.**—(1) No Government Servant shall be a member of, or be otherwise associated with, any political party or any organisation which takes part in politics nor shall he take part in, subscribe in aid of, or assist in any other manner, any political movement or activity.

(2) It shall be the duty of every Government Servant to endeavour to prevent any member of his family from taking part in, subscribing in aid of or assisting in any other manner any movement or activity which is, or tends directly or indirectly to be subversive of the Government as by law established and where a Government Servant is unable to prevent a member of his family from taking part in, or subscribing in aid of or assisting in any other manner, any such movement or activity, he shall make a report to that effect to the Government.

(3) If any question arises whether a party is a political party or whether any organisation takes part in politics or whether any movement or activity falls within the scope of sub-rule (2), the decision of the Government thereon shall be final.

(4) No Government servant shall canvass or otherwise interfere with, or use his influence in connection with or take part in, an election to any legislature or local authority:

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Provided that—

(i) a Government Servant qualified to vote at such election may exercise his right to vote, but where he does so, he shall give no indication of the manner in which he proposes to vote or has voted;

(ii) a Government servant shall not be deemed to have contravened the provisions of this sub-rule by reason only that he assists in the conduct of an election in the due performance of a duty imposed on him by or under any law for the time being in force.

Explanation.—The display by a Government Servant on his person, vehicle or residence of any electoral symbol shall amount to using his influence in connection with an election within the meaning of this sub-rule.

COMMENTARY

1. **Corresponding Law.**—Rule 5 of the Madhya Pradesh Government Servants (Conduct) Rules, 1959 was corresponding to this Rule. Rule 4 of the Madhya Pradesh Civil Services (Conduct) Rules, 1956 was also corresponding to the present Rule.

2. **Taking Part in Politics.**—The General Book Circular says that the Government Servant has no liberty of action as a private individual and he is bound to hold themselves aloof from any movement, whatsoever, which are perfactly legitimate in themselves and he must also maintain his dignity and restraint from such political action, which private persons are free to promote. If the Government Servant participate in some political movement, it is open to objection, because his connection may create or may likely to create a false impression in the minds of ignorant persons that such movements have the sanction or the countenance of the Government.

Formerly, Explanation (2) of Rule 5 of the Madhya Pradesh Government Servants (Conduct) Rules, 1959, was providing that the proposing or seconding the nomination of a candidate at an election to Legislative body or acting as his agent, by a Government Servant shall also amount to taking part in such election.

The Government reserves the right on the question to determine, whether a party is a political party or whether any organisation takes part in politics or whether any movement or activity falls within the scope of Rule 5 (2) of the present Rule. In all such cases, the decision of the Government shall be final.

3. **Activities of the Organisation.**—Though the Government reserves the right to decide as to whether a party is a political party, or an organisation takes part in politics or any movement or activity falls within the scope of Rule 5 (2) of the present Rule, yet, it is a matter of fact, and therefore, on the basis of aims and activities of any organisation, and merits of each case, it should be decided whether the said organisation is a political organisation, or its activities are political activities.

According to the General Book Circular of the Government of Madhya Pradesh, 1958, the following instructions may be borne in mind in this connection:—

(1) It is the duty of the Government Servant who wishes to join or take part in the activities of, any association or organisation, positively to satisfy himself that its aim and activities are not of such a nature as are likely to be objectionable within the meaning of Rule 4 of the Madhya Pradesh Civil Services (Conduct) Rules, 1956, which is corresponding to the present Rule.

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(2) The responsibility for the consequences of the decision and action of the Government Servant must rest squarely on his shoulders and a plea of ignorance or misconception as to Government's attitude towards the association or organisation would not be tenable.

(3) In cases of doubt as to whether participation in the activities of an association or organisation involves an infringement of Rule 4 of the Madhya Pradesh Civil Services (Conduct) Rules, 1956, which is corresponding to Rule 5 of the Madhya Pradesh Civil Services (Conduct) Rules, 1965, the Government Servant should consult his official superiors.

4. **Attendance of the Parties or Meetings by the Government Servants.**—Regarding the attendance of political parties or the public meetings organised by the political parties, the General Book Circular of the Government of Madhya Pradesh , 1958, Revised Edition, says:—

"With regard to attendance by a Government Servant at public meetings organised by Political Parties, the following instructions should be noted:—

(a) Government Servants should bear in mind in deciding their own course of action, while attending meetings organised by a Political Party:—

(i) that the meeting is a public meeting and not in any sense a private or restricted meeting;

(ii) that the meeting is not held contrary to any prohibitory order or without permission, where permission is needed; and

(iii) that the Government Servant in question does not himself speak at, or take action or prominent part in organising, presiding or conducting the meeting.

(b) Even where the aforesaid conditions are satisfied while occassional attendance at such meetings may not be construed, as participation in a political movement, frequent or regular attendance by a Government Servant at meetings of any particular political party is bound to create the impression that he is a sympathiser of the aims and objects of that party, and that in his official capacity, he may favour or support the members of that particular party. Conduct which gives cause for such an impression, may well be construed as assisting a political movement."

5. **Contest of Elections.**—The present Rule as well as the General Book Circular prohibits the Government Servants from standing or for contesting the elections to local bodies without the previous permission of the Government. Such permission can only be given in exceptional cases, when it can be shown explicitly that it is in the interest of the public, and therefore must be given. See Book Circular of the Government of Madhya Pradesh, 1958 Revised Edition at page 3 and Chandak's Madhya Pradesh Government Servants Rules & Regulations, Vol. II, (1965) Edition at page 6 and 7.

6. **Demonstrations and Strikes.**—No Government Servant shall—

(i) engage himself or participate in any demonstration which is prejudicial to the interests of the sovereignity and integrity of India,

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the Security of State, friendly relations with foreign States, Public order, decency or morality, or which involves contempt of Court, defamation or incitement to an offence, or

(ii) resort to or in any way abet any form of strike in connection with any matter pertaining to his service of any other Government servant.

COMMENTARY

1. **Corresponding Laws.**—This Rule is corresponding to Rule 4-A of the Central Civil Services (Conduct) Rules, 1955 and Rule 6 of the Madhya Pradesh Government Servants (Rules) 1959.

2. **Validity.**—The validity of Rule 4-A, of the Central Civil Services (Conduct) Rules, 1955, which provides that no Government Servant shall participate in any demonstration or resort to any form of strike in connection with any matter pertaining to his condition of service, was challenged in the Supreme Court in **Kameshwar Prasad Vs. State of Bihar.** A.I.R. 1962. Supreme Court. 1166 and **O. K. Ghosh and another. Vs. E.X. Joseph.** A.I.R. 1963. Supreme Court. 812, where it was held that the said Rule 4-A, which is corresponding to the present Rule, in the form in which it now stands prohibiting any form of demonstration is violative of the Government Servants' rights under Article 19 (1) (a) and (b) of the Constitution and should, therefore be struck down. In striking down the rule in that limited way, the Supreme Court made it clear that in so far as the said Rule prohibits a strike it cannot be struck down for the reason that there is no fundamental right to resort to a strike. In other words, if the Rule was invalid against a Government Servant on the ground that he had resorted to any form of strike specified by the said Rule, the Government servant would not be able to contend that the Rule was invalid in that behalf. The Rule is invalid so far as it prohibits any demonstration.

3. **Participation in demonstrations and strikes.**— In **O.K. Ghose. Vs. E. X. Joseph,** A.I.R. 1963. Supreme Court, 812, the Supreme Court said that the charges against the respondent was not that he participated in any strike but it was that he participated in the various demonstrations, and that is a charged based upon that part of the Rule which prohibited demonstrations altogether. It is true, the Supreme Court, further says that the demonstration in which he is alleged to have participated actively were organised in connection with the strike, but that does not mean either in fact or in law that he participated in the strike itself. Similarly the charge that he took active part in the preparations made for the said strike also does not mean in fact or in law that he participated in the strike. If he joined demonstrations organised in connection with the strikes, or if he took part in the preparations for the strike it cannot be said that he took part in the strike as such and so, the charge cannot be reasonably construed to mean that his conduct amounted to a contravention of the said Rule which prohibits strikes. Therefore it was held that though the said Rule is partly and not wholly invalid as was already held by the Supreme Court, the particular charge against the respondent being on the basis of that part of the Rule which is invalid, it must follow that the departmental proceedings based on that charge are also invalid.

4. **Demonstration and Strike.**—The terms "demonstration" and "Strike" are not defined. In **S. Vasudevan and others. Vs. S.D. Mital and others.** A.I.R. 1962. Bombay 53. (Tambe and Gokhale, JJ.) it is laid down that the meaning of "strike" is well understood. In **Farrer Vs. Close.** (1869) 4. Q.B.D. 602.=38. L.J.M.C. 132, the term "strike" is defined as "A strike is properly defined as a simultaneous, cessation of work on the part of workmen", and it is in this sense

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the expression is generally understood. The expression "demonstration" no doubt, is wide one but it has also an ascertained meaning in the Webster's Dictionary at page 459, primary meaning of the word "demonstrate" is given as "to make evident to show or prove to be certain, to prove beyond the possibility of doubt. The meaning of the word "demostration" used in connection with a party or group is given as "a public exhibition by a party, sect, or society or its members, principles, etc. as by a parade or mass meeting." In Oxford English Dictionary, Vol. III, "demonstration" is defined to mean as—

> "A public manifestation by a number of persons, of interest in some public question, or sympathy with some political or other cause, usually taking the form of a procession and mass meeting."

There is no reason to assume, it was further held by their Lordships, that the expression "demonstration" has been used in any other sense or has been given any extended meaning in the Rule.

5. **Rights of Government Servants.**—In **Basheshar Nath Vs. I. T. Commissioner** A.I.R. 1959, Supreme Court. 149, it was held that the rights conferred on citizens may be thus classified, (i) statutory rights, (ii) constitutional rights, and (iii) fundamental rights. One need not consider the statutory rights in this contest but the constitutional right, are those created and conferred by the Constitution. They may or may not be waived by a citizen as stating in the text books and the decisions of the Supreme Court of the United States of America above conferred to. But when the rights conferred are put on a high pedestal and are given the status of fundamental rights which though embodied in the Constitution itself are in express terms distinguished from the other constitutional rights (e. g., fundamental right, which are enshrined in Part III of the Constitution and are enacted as immune from any legislative inconsistent with or derogatory thereto, and other constitutional rights which are enacted in other provisions, for instance in Article 265 and 288 in Part XIII of the Constitution they are absolutely inviolable save as expressly enacted in the Constitution and cannot be waived by a citizen. It is, therefore, settled that a citizen by accepting Government service is not estopped from challenging the validity of the service Rules. **S.Vasudevan and others. Vs. S. D. Mital and others.** A. I. R. 1962. Bombay. 53. (Tambe and Gokhale. JJ.)

In Bombay case, it was held that the right of people to assemble together and agree to abide by a set of Rules of procedure and thus organise themselves on some sort of permanent relationship in matters of common interest and common concern or strive for betterment of their conditions by peaceful means and for lawful purpose is a well recognised right. It is common knowledge that voice of an individual has not the same effect as that of anything said together by a group of persons. Larger the number greather the effect. It is also well recognised that to achieve political progress, free criticism, and free expression and exchange of views and thoughts without malice and in a peaceful manner is a valued contri butory factor. If a man has to express there must be audience, if there has to be exchange of views, people must meet together. It is these basic ideas which form the basis of the three freedoms guaranteed by Article 19(1) (a) to (c) of the Constitution.

The right to go on strike, however, is different, in character. It is not joint or collective expression of views but is joint or collective action. By its very nature it is fraught with possibilities of leading to violence. History has been telling that in large number of cases where people have gone on strike there has been resort to violence. It can safely be assumed that the Constitution-makers were aware that the right of workers in industry to go on strike has been with certain limitations recognised in certain parts of the world. Our Constitution is

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an elaborate one. If the Constitution-maker had intended to confer on the citizens as a fundamental right the right to go on strike, they would have expressly said so in the these circumstances, the fact that the right to go on strike has not been expressly conferred on the citizens leads us to say that the right to go on strike is not included in the right conferred on the citizens under Article 19(1) (c) to form associations, or unions. In *Corpus Juris Secundum*, Volume 83, page 525, it is mentioned that the right to strike is a relative right which must be exercised with due regard to the rights of others. Neither the common law nor the amendments confers an absolute right to strike.

It was further observed by their Lordships in the said Bombay case, that the right to carry on occupation includes the right not to carry on occupation and that is what is said by the Supreme Court, in **Basheshar Nath. Vs. I. T. Commissioner, Delhi and Rajasthan.** A.I.R. 1959. Supreme Court. 149=1959. S. C.J. 1207, and by Madras High Court in **Indian M. and M. Corporation. Vs. Industrial Tribunal.** A.I.R. 1953. Madras. 98.=1952-1. Mad. L.J. 481. But in strike, the employee has not chosen not to carry on their occupation on the other hand, they want to remain in the occupation, viz., they want to remain in Government service, take their pay and yet not work and that is not choosing not to carry on the occupation. It is open for them to resign from the Government service if they so desire.

6. **Right to go on Strike.**—Right to go on strike is not included in the Fundamental Rights, guaranteed to the citizens of India under Articles 19(1)(c) and (g) of the Constitution and prohibiting strikes does not contravene Article 19(1) (c) and (g) of the Constitution of India. The Rule so far as it prohibits strikes Governments servants from resorting to any form of strike does not violate the fundamental rights conferred on the citizens by Article 19(1) (a), (b), (c) or (g) of the Constitution of India, and so far as it prohibits them from participating in any demonstration, it does not violate the Fundamental Rights conferred on citizens under Article 19 (1) (a), (b), (c) or (g) of the Constitution of India.

The Rule prohibites Government servants from participating in any demonstration or resorting to any form of strike in connection with any matter pertaining to their conditions of service only. Strike and demonstration are not the only means through which Government servants could ventilate their grievance or bring their grievances to the notice of the Government. It is open to the Government servants to make representations to the Government. The relationship between the Government servants and the Government is different in nature than that of an ordinary employer and employee. Personal interest is the primary factor that weighs with an ordinary employer and much more so in the case of an employer to an industry. Actions of the Government are not actuated by any personal motive as such. The Government carries on its, administration in the interest of public. Furthermore under the present circumstances, the persons who run the Government are chosen representatives of the people. It cannot be disputed that for the maintenance of public order the affairs of the Government are conducted smoothly and without interruption. A Government cannot run smoothly unless discipline amongst and efficiency of the Government servants is maintained. If the Government servants are permitted to participate in demonstrations and resort to strikes it is bound to disturb the smooth working of the Government, which in its turn may in certain circumstances result in denial of exercise by large number of citizens of the freedom guaranteed to them under Article 19(1) (d) and (g) of the Constitution. Apart from this it may in certain cases, even disturb public tranquility.

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A Government servant has a right to form an association and may also have a right of peaceful demonstration within the limits prescribed by law, but it cannot be argued on the basis of the rights given to them that there is any right of strike for using it as a means of redressal of its grievance. It is true that so far as persons in industrial establishment are concerned, a right to go on strike as a weapon to be used for implementing or enforcing the demands is recognised. In *Corpus Juris Secundum*, Volume 83, page 523-529, there can be no analogy between the state of law evolved in America and in our country. In our country so far as the Industrial employment is concerned, the relations between the employer and the employees are to a large extent governed by the Statute and it is the Statute that governs the obligations and duties between the parties viz., justification of a strike by employees or action of an employer in the matter of lock-out, lay off and such other matters. But there is no decision that where a right to strike is recognised with the consequences that a worker who is on strike, would always be considered on duty and entitled to wages even if no work was done. The decision to go on strike is one thing and a legal right to go on strike is another thing. Whereas industrial workers are enabled to go on strike or at least there is no prohibition to go on strike, non-industrial employees of the Government are denied that weapon for enforcing their rights. See **Ramrao Laxmikant Shirkhedkar Vs. Accountant General** AIR 1963 Bombay 121 (Abhyankar and Palekar, JJ.) **All India Bank Employees' Association Vs. National Industrial Tribunal** AIR 1962 Supreme Court 171. **Kameshwar Prasad Vs. The State of Bihar** AIR 1962 Supreme Court 1166. **S. Vasudevan Vs. S.D. Mittal.** 1961 Nag. L. J. 695. **Management of Chandramalal Estate Vs. Its Workmen.** AIR 1960 Supreme Court 902. **Swadeshi Industries Limited Vs. Its Workmen** AIR 1960 Supreme Court 1258. **Indian General Navigation and Railway Company Vs. Their Workmen.** AIR 1960. Supreme Court 219. **Burn & Company Vs. Their Workmen.** AIR 1959. Supreme Court. 529. **State of Madhya Pradesh. Vs. Chintaman.** AIR 1961. Supreme Court. 1623.

There is no right as a legal right to strike and, whether the strike should be prohibited in one form or another according to the categories of employment in the Government service was a matter within the discretion and powers of the Government as an employer in framing Rules. The very concept of strike postulates a joint action that is more than one person withdrawing from work in spite of there being a contract or an obligation to work. The Rule even applies to an individual worker. It is a Rule of conduct for each single employee. See **Ramrao Laxmikant Vs. Accountant General.** AIR 1963. Bombay. 121.

7. **Discrimination.**— The Madhya Pradesh Civil Services (Conduct) Rules, 1965, do not apply to some Government Servants, whose categories are mentioned in Rule 1 (3) of the said Rules. Therefore, the contention may be raised that some classes of Government employees are exempted from the Conduct Rules, 1965 altogether, while another class of Government Servants is not exempted from them. This is a discrimination, it can well be argued. The Bombay High Court has replied to this contention in **Ramrao Laxmikant Vs. Accountant-General** AIR 1963. Bombay. 121, that the bare perusal of the Rule and the categories of the Government servant mentioned therein taken out of the application of the Rule, show that they are the Government servants or the employees in establishments which are of the nature of industrial establishments. Therefore, they are governed by other industrial laws and there is machinery available to the Government for enforcing discipline and Rules of conduct so far as resort to strike is concerned. Similarly, for persons belonging to All India Services, are governed by their own Rules and the mere fact that they are excluded from the Conduct Rules cannot lead to an inference that those, who are within remaining class and governed by these Conduct Rules, are discriminated against.

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8. **Defamation.**— The term "defamation" is no where defined. In Section 499 of the Indian Penal Code, it is laid down that whoever by words either spoken or intended to be read or by signs or by visible representations, makes or publishes any imputation concerning any person intending to harm, or knowing or having reason to believe that such imputation will harm the reputation of such person is said, except in the cases mentioned in the said section, to defame that person.

9. **Public Order.**—There is no doubt that Government Servant can be subjected to Rules which are intended to maintain discipline amongst their ranks and to lead to an efficient discharge of their duties. Discipline amongst Government servants or employees and their efficiency may in a sense be said to be related to the public order. In considering the scope it may be borne in mind that the Rule must be in the interests of public order and must amount to a reasonable restriction. So far as the security of the State is concerned having been expressly and specifically provided for public order cannot include the security of State, though in its widest sense it may be capable of including the said concept. Public order is virtually synonymous withe public peace, safety and tranquility. The denotation of the said word cannot be wider in any other clause. See **O. K. Ghose Vs. E.X. Joseph** AIR 1963. Supreme Court. 812.

10. **Contempt of Court.**— It is an offence wherein, generally speaking, the tendency is to interfere with the due course of justice. **S. Sher Singh Vs. Raghu Pati** AIR. 1968. Punjab and Haryana. 217. (Mehar Singh, C.J., A. N. Grover and P.C. Pandit, JJ.) **State of Bihar Vs. Shankar Lal Khirwal** AIR. 1962. Calcutta 2. **Dibakar Stapathy Vs. Hon'ble The Chief Justice and his Companion Justices of the Orissa High Court.** AIR. 1961. Supreme Court. 1315. **Satyendra Nath Mitra Vs. Superintendent of Police.** AIR 1963. Calcutta 336. **District Magistrate Vs. R. Madhav Rao.** AIR 1961 Mysore. 12.

In the matter of **Bhola Nath Chaudhary** AIR 1961 Patna. 1 (H.K. Chaudhuri and Tarkeshwar Nath, JJ.) it is laid down that it is true that a judgment can be criticised but it should be done fairly and reasonably and should not exceed those limits. In **Andre Paul Terence Ambard Vs. Attorney General of Trinidad and Tobago,** AIR 1936 Privy Council 141, it is laid down that—

> "But whether the authority and position of an individual Judge or the due administration of justice is concerned, no wrong is committed by any member of the public, who exercises the ordinary right of criticising in good faith. In private or public the public act done in the seat of justice. The path of criticism is a public way, the wrong headed are permitted to err therein, provided that members of the public abstain from imputing improper motives to those taking part in the administration of justice, and are genuinely exercising a right of criticism and not acting in malice or attempting to impair the administration of justice, they are immune. Justice is not cloistered virtue; she must be allowed to suffer the scrutiny and respectful even though outspoken comments of ordinary man."

In the case of **Brahama Prakash Sharma Vs. State of Uttar Pradesh.** AIR 1954. Supreme Court 10, it was observed by the Supreme Court that—

> "It seems, therefore, that there are two primary considerations, which should weigh with the Court when it is called upon to exercise the summary powers in cases of contempt committed by scandalising the Court itself. In the first place the reflection on the conduct or character of a Judge in reference to the discharge of his judicial duties, would not be contempt if such reflection is made in the exercise of the right of fair and reasonable criticism which every citizen possesses in respect of public acts done in

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the seat of justice. It is not by stiffing, criticism confidence in Courts can be created.

Judges have to discharge responsible and often disagreeable duties and it is essential that they should be afforded the utmost protection if the administration of justice is to remain independent, clean, fearless and impartial. **Sub-Judge First Class, Hoshangabad Vs. Jawahar Lal Ram Chand** AIR 1940. Nagpur 407. In the matter of **Basant Chandra Ghosh**, AIR 1960. Patna 430, it was observed that while making comments the main criterion to be kept in view was not to exceed the limits of fair comments and the language in which the comments was couched should be objective, dignified and there should be no attempt at ridiculing the administration of justice, by using language likely to shake the confidence of the public in the capacity and impartiality of Court. It was further observed that the tone and phraseology used made a world of difference between innocence and guilty in a proceeding on a charge of contempt of Court.

The duties of an Advocate are onerous and he has to discharge them independently and fearlessly. Any interruption in the discharge of his duties by reason of an attack on his integrity and threat was likely to embarrass him and in fact may be felt so worried, unnerved and shocked that he may given up the case. In **Parashuram Detaram Shamdasani Vs. Emperor.** AIR 1945. Privy Council 134=ILR (1945) Bombay 950, it is said that—

> "I do not keep anything back at all. My fault is that I disclose everything unlike members of the Bar who are in the habit of not doing so and misleading the Court."

A question arose as to whether this statement constituted contempt. While dealing with it, it was observed that an insult to a counsel or a threat by using outrageous and provocative language likely to lead to a brawl in Court, could constitute contempt. In **Ananta Lal Singh Vs. Alfred Henry Watson,** AIR 1931 Calcutta 257, it was pointed out that if aspersions were cast upon an Advocate, of a party it might be that some of them had an effect intending to deter the Advocate from continuing his duties for his client and in certain circumstances in embrassing him in the discharge of those duties. It was observed that comment upon an Advocate, which had reference to the conduct of his cases might amount to contempt of Court on exactly the same principle which was applicable for the criticism of a Judge or the Judgment. See in the matter of Bhola Nath Chaudhury. AIR 1961. Patna I.

It is also well established that the offence in contempt cases may be committed even if no case is actually pending provided that such a proceeding is imminent and the writer of the offending publication either know it to be so or should have known that it was imminent. In the Special Bench case of **Emperor Vs. J. Choudhury** AIR 1947 Calcutta 414, Biswas, J., referring to two English cases observed that the question whether there may be contempt of Court when proceedings are imminent but have not yet been touched was not finally decided in those cases. As to the state of law in India his Lordship observed—

> "In India, however, there are at least two Full Benches, which have not only considered but pronounced upon this question. These are the two decisions to which Mr. Khaitan, has referred. **Tujjaram Rao. Vs. Governor of Reserve Bank of India.** I.L.R. (1939) Mad. 466= A.I.R. 1939. Madras. 257. (S.B.) and In re Subramanyan Editor, Tribune, A.I.R. 1943, Lahore, 320 (F.B.) and the decision in either of these cases was rested on the two English cases. **R. Vs. Parke.** (1903). 2. K.B. 432=and **R. Vs. Daily Mirror. Exparte, Smith.**

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(1927) I.K.B. 345, referred to above. In the Madras case, Leach, C.J, delivering the judgment of the Court observed that to comment on a case which is about to come before the Court with knowledge of the fact is just as much a contempt as comment on a case actually launched. In the Lahore case, Harries, C.J, expressed his agreement with this opinion in so many words observing that proceedings need not actually be pending and that it is sufficient that proceedings are imminent to the knowledge of the person charged with contempt."

The same view was expressed by Harries, C.J., in **Superintendent and Remmebrancer of Legal Affairs, Bihar Vs. Murali Manohar.** I.L.R. 20. Patna. 306=A.I.R. 1941. Patna 185=See **State of Bihar Vs. Shankar Lal Khirwal and another.** A.I.R. 1962. Patna. 2. (H.K Chaudhuri and Tarkeshwar Nath, JJ.)

V.G. Peterson. Vs. O.V. Forbes. (1952) 2. Cr. L.J. 118 **Lala Baijnath Prasad. Vs. Lala Syam Sunder.** (1961) 2. Cr. L.J. 222 **State. Vs. Rishi Kumar** A.I.R, 1961. J&K 76. **Annapoorna Vs. Rajani** 65 Cal. W.N. 722. **Hoshiar Singh Vs. Gurbachan Singh.** A.I.R, 1962. Supreme Court 1089. **Basudeva Prasad Advocate, In re.** A.I R. 1961. Patna 437. **District Magistrate Vs. Madhava Rao.** A.I.R. 1961 Mysore 12. **State of Bihar Vs. Shankar Lal Khirwal** A.I.R. 1962. Patna. 2. **The Advocate-General S. V. Thoothi** A.I.R. 1965 Madras 415. **Devi Vs State** 1963 MPLJ (Notes.) 332.

[1][7. **Proceeding on leave by Government servants.**—No Government servant shall proceed on leave (casual or otherwise) before it has been sanctioned; provided that in a case of emergency the authority competent to sanction leave may for reason to be recorded in writing accord *ex post facto* sanction for leave already availed of]

[2][8. **Joining of Associations by Government Servant.**—No Government Servant shall join, or continue to be a member of an Association the objects or activities of which are prejudicial to the interests of the sovereignty and integrity of India or public order or morality.

COMMENTARY.

1. **Corresponding Law.**—This Rule is corresponding to Rule 7 of the Madhya Pradesh Government Servants (Conduct) Rules, 1959, and Rule 4-B of the Central Civil Services (Conduct) Rules, 1965.

2. **Validity.**—In **O.K. Ghose Vs. E.X Joseph,** A.I.R. 1963, Supreme Court 812, the validity of the Rule regarding the joining of Associations by Government Servants was challenged before Supreme Court.

The Supreme Court in that case said, that it is not disputed that the fundamental rights guaranteed by Article 19 of the Constitution can be claimed by the Government Servants. Article 33 of the Constitution, which confers power on the Parliament to codify the rights in their application to the Armed Forces clearly brings out the fact that all citizens, including the Government servants are entitled to claim the rights guaranteed by Article 19 of the Constitution. Thus the validity of the impugned Rule has to be judged on the basis that the respondents and his co-employees are entitled to form Associations or Unions. It is clear that above mentioned Rule imposes restriction on this right.

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1. Rule 7 inserted Vide Notification No. 1276-736-I (iii)-67 dated 23.5.1967 Published in M.P. Rajpatra Part IV (Ga) dated 4.8.1967 at Page 554.

2. Rule 7, 8, 9, 10,11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, are renumbered as 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25 and 26 vide ibid.

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It virtually compels a Government Servant to withdraw his membership of the Service Association of Government Servants as soon as recognition accorded to the said Association is withdrawn or if, after the association is formed, no recognition is accorded to it within six months. In other words, the right to form an Association is conditioned by the existence of recognition of the said Association by the Government. If the Association obtains the recognition and continues to enjoy it, Government servants can become members of the said Association, if the Association does not secure recognition from the Government, or recognition guaranteed to it is withdrawn, Government servants must cease to be the members of the said Association. Can this restriction be said to be in the interest of public order and it be said to be a reasonable restriction? The only answer to these questions, as laid down by the Supreme Court in the above mentioned case, would be in the negative. It is difficult to see any direct or proximate or reasonable connection between the recognition by the Government of the Association, and the discipline amongst and the efficiency of the members of the said Association. Similarly, it is difficult to see any connection between recognition and public order. It was further said by their Lordships of the Supreme Court that recognition may be refused or withdrawn on grounds which are wholly unconnected with public order and it is in such a set up that the right to form Association guaranteed by Article 19(1) (c) of the Constitution is made subject to the rigorous restriction that the Association must secure and continue to enjoy recognition from the Government. Therefore, the restrictions imposed would make the guaranteed right under Article 19 (i) c) ineffective and even illusory and therefore invalid.

3. **Associations.**—The term "Association" is defined in Clause 2 (a) of the Unlawful Activities (Prevention) Ordinance, 1966, to mean any combination or body of individuals, whether the same is known by any distinctive name or not.

The term "Unlawful Association" is defined in Clause 2(h) of the Unlawful Activities (Prevention) Ordinance, 1966 (Central Ordinance No. 6 of 1966) as under:—

"2 (h) "Unlawful Association" means any Association—

(i) which has for its object and unlawful activity or which encourages or aids persons to undertake any unlawful activity, or of which the members habitually undertake such activity; or

(ii) which is subject to foreign influence or control, or is under the control of persons concerned in the Government of any foreign country committing aggression against India, wherein any such case there is danger of the utilisation of the Association for purposes prejudicial to the defence of India or the sovereignty and Integrity of India; or

(iii) which is organised or equipped in such manner as to enable the members of the Association to be employed, or as to arouse reasonable apprehension that the members of the Association may be employed, in usurping the functions of the Armed Forces of the Union or of any police force or of any other force constitutued under any law for the time being in force; or

(iv) which is organised or equipped in such manner as to enable the arising of any secret or private armed group for the purpose of overthrowing the Government as by law established; by force or violence or show of force or violence; or

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(v) which uses any means to incite or induce any person subject to military, naval or air force law—

(a) to cause any mutiny in this military, naval or air force or any other Armed Forces of the Union or any force co-operating therewith or to join in any such mutiny; or

(b) to abstain from discharging duties imposed by any law for the time being in force."

The Madhya Pradesh Government Servants (Recognition of Service Association) Rules, 1959 does not define the term "Association".

4. **Recognition of Service Associations.**—Rule 3 of the Madhya Pradesh Government Servants (Service Association) Rules, 1967, enacts that the State Government will enter into correspondence with an Association only if it is proved to the satisfaction that such an Association represents not less than 20 per cent of the category or categories of Government Servants which it seeks to represent. It does not define the term "Association" or the term "Service Association". Rule 4 of the Madhya Pradesh Government Servants (Recognition of Service Associations) Rules, 1959, enacts that no Service Association shall be recognised by the Government after the commencement of these Rules, unless all the following conditions are satisfied, namely:—

(a) An application for recognition of the Service Association is made with all the information relevant for such recognition;

(b) The Service Association is formed primarily with the object of promoting the common service interests of its members;

(c) Membership of the Service Association is restricted to a distinct category of Government Servants having such common interest, all such Government servants being eligible for membership of the Service Association;

(d) No person, who is not a Government Servant, is connected with the affairs of the Service Association;

(e) The executive of the Service Association is appointed from amongst the members only; and

(f) The funds of the Service Association consist exclusively of subscriptions from members and grants, if any, made by the Government and are applied only for the furtherance of the objects of the Service Association.

Rule 5 of the said Rules enacts the conditions subject to which recognition is granted.

See **O.K. Ghose Vs. E.X. Joseph** AIR 1963. Supreme Court. 812. (B.P. Sinha, C.J., P.B. Gajendragadkar, K.N. Wanchoo, K.C. Das Gupta and J.C. Shah, JJ.) **S. Vasudevan and others Vs. S.D. Mittal and others.** A.I.R. 1962. Bombay 53.

9. **Connection with Press or Radio.**—(1) No Government Servant shall, except with the previous sanction of the Government, own wholly or in part, or conduct or participate in the editing or management of, any news-paper, or other periodical publication.

(2) No Government servant shall, except with the previous sanction of the Government or the prescribed authority, or in the *bona fide* discharge of his duties, participate, in a radio broadcast or contribute any article or write any letter either in his own name or anonymously pseudonymously or in the name of any other person to any newspaper or periodical:

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Provided that no such sanction, shall be required if such broadcast or such contribution is of a purely literary, artistic or scientific character.

COMMENTARY.

1. **Corresponding Laws.**—This Rule is corresponding to Rule 8 of the Madhya Pradesh Government Servants (Conduct) Rules, 1959.

2. **General.**—The Book Circular of Madhya Pradesh Government, 1958 Revised Edition and this Rule say that the Government Servant can not act as a correspondent of a newspaper without the previous sanction of the Government. The Government Servant can also not undertake the broadcasting of a talk or contribute any article or write any letter either anonymously or in his own name or in the name of any other person to any newspaper or periodical, either directly or remotely connected with his official duties or in which the activity of Government in any department may be referred to or commented upon without the previous permission of the head of the department. But where the Government servant is himself a head of the Department, he must take sanction from the Government. While applying for the permission, the Government servant must submit the full text of the script for the approval of the authority concerned.

3. **Broadcasting.**—The Government servant should also not undertake the broadcasting of any artistic programme like music, vocal or instrumental or of any talk on a literary subject or on a subject not connected with his official duties or with the activities of the Government in any department, except with the prior sanction of the Government or the head of the Department.

10. Criticism of Government.—No Government Servant shall, in any radio broadcast or in any document published in his own name or anonymously, pseudononymously or in the name of any other person or in any communication to the press or in any public utterance, make any statement of fact or opinion—

(i) which has the effect of an adverse criticism of any current or recent policy or action of the Central Government or a State Government:

Provided that in the case of any Government Servant included in any category of Government servants specified in the second proviso to sub-rule (3) of Rule I, nothing contained in this clause shall apply to *bona fide* expression of views by him as an office bearer of a trade union of such Government Servants for the purpose of safeguarding the conditions of service of such Government servants or for securing an improvement thereof; or

(ii) which is capable or ambarrassing the relations between the State Government and the Central Government or the Government of any State; or

(iii) which is capable of ambarrassing the relations between the Central Government and the Government of any foreign State:

Provided that nothing in this Rule shall apply to any Statements made or views expressed by a Government servant in his official capacity or in the due performance of the duties assigned to him.

COMMENTARY.

1. **Corresponding Law.**—This Rule is corresponding to Rule 9 of the Madhya Pradesh Government Servants (Conduct) Rules, 1959.

2. **Scope.**—The Government Servant though he is entitled to form and hold his own opinion on general and public matters, is not at liberty to make an

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attack upon what he knows or believes to be, the policy or procedure deliberately approved by the Government. It shall be no justification for such an attack that the Government servant actuated by conation motives or has a strong conviction of the correctness of his own judgment. It is also improper to a Government servant to convey to the public or in the public meetings, either in writing or in oral speech or otherwise, any opinion upon matters of the Government policy which are, or are likely to become, the subject of the public discussion.

The Government servant on deputation or on foreign service or members of the local bodies are also not precluded from giving expression to views which are at variance with those stated by Government, when a proposal of a Government servant (relating to a local body or other authority) under consideration is under discussion. See General Book Circular of the Government of Madhya Pradesh, 1958, Revised Edition and Chandak's Madhya Pradesh Government Servants Rules and Regulations, Vol. II at pages 8 and 9.

11. Evidence before committee or any other authority.—(1) Save as provided in sub-rule (3), no Government Servant shall except with the previous sanction of the Government, give evidence in connection with an enquiry conducted by any person, committee or authority.

(2) Where any sanction has been accorded under sub-rule (1), no Government servant giving such evidence shall criticise the policy or any action of the Central Government or of a State Government.

(3) Nothing in this Rule shall apply to—

(a) evidence given at an enquiry before an authority appointed by the Government, Parliament or a State Legislature; or

(b) evidence given in any Judicial enquiry; or

(c) evidence given at any departmental enquiry ordered by authorities subordinate to the Government.

COMMENTARY.

1. **Corresponding Rule.**—This Rule is corresponding to Rule 10 of the Madhya Pradesh Government Servant (Conduct) Rules, 1959.

2. **Scope.**—This Rule enacts the provisions relating to evidence before a Committee or any other authority. It also prescribes exemptions.

12. Unauthorised Communication of Information.—No Government servant shall, except in accordance with any general or special order of the Government or in the performance in good faith of the duties assigned to him, communicate, directly or indirectly, any official document or any part thereof or information to any Government servant or any other person to whom he is not authorised to communicate such document or information.

COMMENTARY.

1. **Corresponding Law.**—This Rule is corresponding to Rule 11 of the Madhya Pradesh Government Servants (Conduct) Rules, 1959 and Rule 9 of the Madhya Pradesh Civil Services (Conduct) Rules, 1956.

2. **Scope.**—The Rule prohibits a Government servant from communicating any information directly or indirectly to anybody to whom he is not authorised to communicate such information. A breach of this Rule is an offence punishable under Section 5 of the Indian Official Secrets Act, 1923, with two years imprisonment or with fine or with both and will also render him liable

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to instantenaous dismissal. The Government servant like clerks and superintendents should not be allowed to take the files at their homes, and even if it is necessary, the previous sanction or permission from the head of the office must be taken. But where the documents are strictly secret or confidential, no such permission should ever be given. See Book Circular of the Madhya Pradesh Government, 1958 Revised Edition and Chandak's Madhya Pradesh Government Servants Rules and Regulations, Vol. II (at page 9.)

13. **Subscriptions.**—No Government Servant shall, except with the previous sanction of the Government or of the prescribed authority, ask for or accept contributions to, or otherwise associate himself with the raising of, any funds or other collections in cash or in kind in pursuance of any object whatsoever.

COMMENTARY.

1. **Corresponding Law.**—This Rule is corresponding to Rule 12 of the Madhya Pradesh Government Servants (Conduct) Rules, 1959 and Rules 9 of the Madhya Pradesh Civil Services (Conduct) Rules, 1956.

2. **General.**—The Book Circular of the Government of Madhya Pradesh, 1958, Revised Edition, at pages 4 and 5, says under Rule 9 of the Madhya Pradesh Civil Services (Conduct) Rules, 1956, which is corresponding to the present Rule, that—

"(1) While it is often desirable to collect subscriptions and donations from the public for public institutions, such as schools, dispensaries, etc., in the changed circumstances, collection of subscription by Government servants is open to many objections. Apart from the fact that such work interferes with their legitimate duties, the association of Government servants with such work often exposes the Government to public criticism. Some Government Servants, besides, are apt to be overenthusiastic. In the interest of discipline and efficiency of Government administration, public work of this type should be shouldered more and more by the leaders of the public rather than shifted on to executive officers. In every case, where such collections have to be made, there should, therefore, be formed a local committee on whose behalf the collections should be organised. Non-official opinion should be organised to support appeals, and non-official assistance should be invoked to the fullest extent.

(2) Subject to the above considerations, Collectors are authorised to raise subscriptions or donations not exceeding Rs. 10,000/- for local objects mentioned below without any reference but under intimation to the State Government—

(i) Local Calamities.

(ii) Agricultural Exhibitions.

(iii) Cattle Shows.

(iv) Health and Red Cross Weeks, Baby shows and Child Welfare Centres.

(v) Dispensaries.

(vi) Sports and Tournaments.

Collectors are also authorised to raise collections not exceeding Rs. 10,000/- with the previous sanction of the Government for the following objects:—

(i) Educational Objects.

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(ii) Hospitals and Dispensaries (Buildings.)

(iii) Rural Uplift.

Even in the above cases, while Government Servants may work on committees formed for the collection of subscriptions, they should take no part whatsoever in the actual collections, and that this work should be left to the local non-officials.

(3) The practice of collections for the dispensaries or for other public purposes from persons assessed to land revenue at the time of payment of their land revenue in the form of a percentage on the assessment amounts to unauthorised taxation and is strictly prohibited. Subordinate Officers should turn down firmly but politely any requests made to them by the public in this behalf. District Officers of all departments will be held responsible to see that these instructions are strictly observed by their subordinate Government Servants, and that they are not allowed to collect subscriptions for any purpose without his special permission."

14. Gifts.—(1) Save as otherwise provided in these Rules, no Government servant shall accept, or permit any member of his family or any person acting on his behalf to accept, any gift.

Explanation.—The expression "gift" shall include free transport, boarding, lodging or other service or any other pecuniary advantage when provided by any person other than a near relative or personal friend having no official dealings with the Government Servant.

Note. (I)—A Casual meal, lift or other social hospitality shall not be deemed to be a gift.

Note. (II)—A Government servant shall avoid accepting lavish hospitality or frequent hospitality from any individual having official dealings with him or from industrial or commercial firms, organisations, etc.

(2) On occasions, such as weddings anniversaries, funerals or religious functions, when the making of a gift is in conformity with the prevailing religious or social practice, a Government servant may accept gifts from his near relatives but he shall make a report to the Government if the value of any such gift exceeds—

(i) Rs. 500.00 in the case of the Government Servant holding any Class I or Class II post;

(ii) Rs. 250.00 in the case of a Government servant holding any Class III post; and

(iii) Rs. 100.00 in the case of a Government servant holding any Class IV post.

(3) On such occasions as are specified in sub-rule (2), a Government servant may accept gift from his personal friends, having no official dealings with him, but he shall make a report to the Government if the value of any gift exceeds—

(i) Rs. 200.00 in the case of a Government Servant holding any Class I or Class II posts;

(ii) Rs. 100.00 in the case of a Government servant holding any Class III post; and

(iii) Rs. 50.00 in the case of a Government servant holding any Class IV post.

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(4) In any other case, a Government servant shall not accept any gift without the sanction of the Government if the value thereof exceeds—

(i) Rs. 75.00 in the case of a Government servant holding any Class I or Class II post; and

(ii) Rs. 25.00 in the case of a Government Servant holding any Class III or Class IV post.

COMMENTARY

1. **Corresponding Law.**—This Rule is corresponding to Rule 13 of the Madhya Pradesh Government Servants (Conduct) Rules, 1959 and Rule 10 of the Madhya Pradesh Civil Services (Conduct) Rules, 1956.

2. **Principle.**—The General Book Circular of the Government of Madhya Pradesh, 1958, Revised Edition says on the points of gifts—

> "The Principle underlying this Rule is that a Government servant should never place himself, or allow any member of his family to place him or her under any form of official obligation to a third party. On the same principle, Government view with disfavour a Government servant making habitual use of or permitting a member of his family so to use, any private vehicle or other means of transport, free of charge."

It is further laid down that where a complementary gift of flowers and/or fruits is made the embarrassment of a complete refusal may be avoided by accepting only a portion as a token and returning the remainder to the donor. See General Book Circular, at page 5 and 6.

3. **General.**—Application for sanction of Government in all cases should be made through the Collectors of the district who will promptly forward them with his recommendations to the Administration Department.

Where previous sanction cannot be obtained in time to the acceptance of trowels, keys and similar articles, a report regarding the receipt of the articles, giving its approximate value should, at once, be made to the Collector of the district who should forward it to the Administrative Department for orders.

Cases may occur of presents being made to Government servants by foreign dignitaries. General instructions issued by Government in respect of such presents, are as follows:—

> "The presents in such cases may be retained by Government servants—
>
> (i) if the presents are symbolic in nature and not of any practical use, such as, a sword or a ceremonial robe.
>
> OR
>
> (ii) if they are of trivial value (For this purpose presents worth Rs.200/- will be considered to be of trivial value.)
>
> Presents, which do not fall in the two categories mentioned above, should be deposited at the Government Toshakhana. The recipients have the option to purchase them from the Toshakhana at prices to be fixed by the authorities-in-charge.
>
> Presents, which are of cultural value, should be handed over to a museum or a cultural body."

See General Book Circular of the Government of Madhya Pradesh and Chandak's Madhya Pradesh Government Servants Rules and Regulations, Vol. II at pages 12 and 13.

4. **Gift.**—The term "gift" is defined in the explanation attached to Rule 13 (1) of the present Rules to include free transport, boarding, lodging or other

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service or any other pecuniary advantage when provided by any person other than a near relative or personal friend having no official dealings with the Government servants.

It is in fact a kind of transfer by one persons to another of any property, whether movable or immovable, made voluntarily and without any consideration in money or money's worth. See Section 2 (xii) of the Gift-tax Act, Section 122 of the Transfer of Property Act, 1882.

The term "gift" in Section 4 of the Gift Duty Assessment Act, 1941-1950 is defined to mean any disposition of property which is made otherwise than by will (whether with or without an instrument in writing) without consideration in money or money's worth passing from the disponor to the disponee or with such consideration so passing if the consideration is not, or in the opinion of the Commission, is not fully adequate. The said Act has been passed by the Senate and the House of Representatives of the Commonwealth of Australia in the year 1941 and it has received the assent on the 3rd day of December, 1941.

In New Zealand, the term "gift" is defined in Section 33 of the Death Duties Act, 1921 to mean any disposition of property which is made otherwise than by will, whether with or without an instrument in writing, without full adequate consideration in money or money's worth. If any such disposition is made for a consideration in money or money's worth which is inadequate, the disposition shall be deemed to be a gift to the extent of that inadequacy.

In the United States of America also the term "gift" means transfer of property for less than an adequate and full consideration in money or money's worth then the amount by which the value of the property is exceeded. See also Chandak's Gift-Tax Act, (1968 Edition) at page 59 and 60, and 61.

15. **Public Demonstrations in honour of Government.**—No Government servant shall except with the previous sanction of the Government, receive any complimentary or valedictory address or accept any testimonial or attend any meeting or entertainment held in his honour, or in the honour of any other Government servant.

Provided that nothing in this Rule shall apply to—

(i) a farewell entertainment of a substantially private and informal character held in honour of a Government servant or any other Government servant on the occasion of his retirement or transfer or any person who has recently quit the service of any Government; or

(ii) the acceptance of simple and inexpensive entertainment arranged by public bodies or institutions.

Note.—Exercise of pressure or influence of any sort on the Government servant to induce him to subscribe towards any farewell, entertainment even if it is of a substantial private or informal character, and the collection of subscriptions from Class III or Class IV employees under any circumstances for the entertainment of any Government servant not belonging to Class III or Class IV, is forbidden.

COMMENTARY

1. **Corresponding Law.**—This Rule is corresponding to Rule 14 of the Madhya Pradesh Government Servants (Conduct) Rules, 1959 and Rule 11 of the Madhya Pradesh Civil Services (Conduct) Rules, 1956.

2. **Complimentary Addresses.**—The General Book Circular of the Government of Madhya Pradesh states that the Government Servants are prohibited

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except with the previous sanction of the Government from receiving any complimentary or valedictory address or accept any testimonial or attend any meeting or entertainment, held in his favour, or in the honour of any other Government servants. The Government Servants are forbdiden to accept addresses or testimonials or to attend public demonstrations in their honour. The testimonials for their active service or an acknowledgment of acts done by them while in the Government service or the presentation of such a testimonial to the wife or family of an officer is no less objectionable than its presentation to the officer himself.

3. **Farewell.**—It is also laid down in the General Book Circular that the Government servants are also forbidden from accepting farewell parties, except those which are essentially private and informal in character. The Government servants are precluded from accepting any large scale or public entertainments and the insistence on formality is inconsistent with delivery of speeches.

4. **Subscription.**—The note attached to the present Rule enacts that exercise of pressure or influence of any sort on the Government servant to induce him to subscribe towards any farewell, entertainment even if it is of a substantial private or informal character, and the collection of subscription from Class III or Class IV employees under any circumstances for the entertainment of any Government servent not belonging to Class III or Class IV is forbidden.

16. Private trade or employment.—(1) No Government servant shall, except with the previous sanction of the Government, engage directly or indirectly in any trade or business or undertake any other employment:

Provided that a Government servant may, without sanction, undertake honorary work of a social or charitable nature or occasional work of a literary, artistic or scientific character, subject to the condition that his official duties do not hereby suffer; but he shall not undertake, or shall discontinue, such work if so directed by the Government.

Explanation.—Canvassing by a Government servant in support of the business of the insurance agency, commission agency, etc., owned or managed by his wife or any other member of his family shall be deemed to be a breach of this sub-rule.

(2) Every Government servant shall report to the Government if any member of his family is engaged in a trade or business or owns or manges an insurance agency or commission agency.

(3) No Government servant shall, without the previous sanction of the Government, except in the discharge of his official duties, take part in the registration, promotion or management of any bank or other company which is required to be registered under the Companies Act, 1956 (Act No. 1 of 1956) or any other law for the time being in force or any co-operative society for commercial purposes :

Provided that a Government servant may take part in the registration, promotion or management of a co-operative society substantially for the benefit of Government servants, registered under the Madhya Pradesh Co-operative Societies Act, 1960 (Act No. 17 of 1961) or any other law for the time being in force, or of a literary, scientific or charitable society registered under the Madhya Pradesh Societies Registration Act, 1959 (Act No 1 of 1960) or any other corresponponding law in force.

(4) No Government servant may accept any fee for any work done by him for any public body or any private person without the sanction of the prescribed authority.

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COMMENTARY

1. **Corresponding Law.**—This Rule is corresponding to Rule 15 of the Madhya Pradesh Government Servants (Conduct) Rules, 1959, and Rule 12 of the Madhya Pradesh Civil Services (Conduct) Rules, 1956. It is also corresponding to Rule 12 of the Central Civil Services (Conduct) Rules, 1955.

2. **Private trade or employment.**—This Rule prohibites the Government servant not to engage himself direclty or indirectly in any trade or business or undertake any employment without the previous sanction of the Government, but the Government servant may, without such sanction, undertake honorary work of a social, or charitable nature or occasional work of a literary, artistic or scientific character, subject to the condition that his official duties do not thereby suffer, but he should not undertake or should discontinue such work if so directed by the Government. The Book Circular of the Government of Madhya Pradesh enacts—

"(1) Uuder Fundamental Rule 11, the whole time of a Government servants is at the disposal of the Government. Cases of Government servant seeking permission to accept part-time private employment should be referred to Government in the General Administration Department through the Administrative Departments for orders. Administrative Departments or heads of departments may, however, dispose of, without reference to the General Administration Department applications for part-time employment under a registered Co-operative Society, in cases where the Government servant applying for such permission is a member of the co-operative Society in question, and the honorarium proposed to be paid to him does not exceed Rs. 250/- in a year. The honorarium in such cases may be retained in full by the Government servant concerned.

(2) In particular, a Government servant is forbidden to accept employment under an insurance company as agent or secretary or in any similar capacity.

(3) On the general principles laid down in sub-paragraph (1) above, assistance or canvassing by a Government servant in regard to the sale of shares of a company, irrespective of whether it receives State aid or not, is open to objection.

(4) **Attending classes or taking higher Examinations.**—Government servants are forbidden to any classes for or appear at higher examinations without the previous sanction of the head of department in which he is working. Permission to attend classes or take an examination will be granted only, if it is consistent with public interests, and cannot be claimed as of right.

Such permission may be granted by the competent authorities only, if the following conditions are fulfilled:—

(i) The Government servant concerned should have put in at least a year's service.

(ii) The amount of leave granted for preparation or for appearing at an examination shall not exceed the earned leave at his credit.

(iii) The work and conduct of official should have been satisfactory.

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The head of office should determine how many officials belonging to his office can be permitted to attend classes and take examination, without detriment to office work. If the number of application exceeds this figure, preference should be given to those who have put in longer service.

Note.—The above conditions do not apply in the cases of Type writing and Shorthand Examinations.

(5) **Acting as arbitrators.**—Government Servants may be permitted to act as arbitrators for settlement of dispute, subject to the following conditions:—

(i) A Government servant shall not act as arbitrator in any case without the sanction of his immediate official superior or unless he be directed so to act by a Court having authority to appoint as arbitrator.

(ii) No Government servant shall act as an arbitrator in any case which is likely to come before him in any shape in virtue of any judicial or executive office which he may be holding.

iii) If a Government servant acts as an arbitrator at the private request of disputents, he shall accept no fees.

(iv) If he acts by appointment of a Court of law, he may accept such fees as the Court may fix."

See Book Circular of the Government of Madhya Pradesh, 1958, Revised Edition at pages 7 and 8 and Chandak's Madhya Pradesh Government Servants Rules and Regulations, Vol. II at pages 12 and 13.

17. Investment, lending and Borrowing.—(I) No Government servant shall speculate in any stock, share or other investment.

Explanation.—Frequent purchase or sale or both of shares, securities or other investments shall be deemed to be speculation within the meaning of this sub-rule.

(2) No Government servant shall make, or permit any member of his family or any person acting on his behalf to make, any investment which is likely to embarrass or influence him in the discharge of his official duties.

(3) If any question arises whether any transaction is of the nature referred to in sub-rule (1) or sub-rule (2), the decision of the Government thereon shall be final.

(4) (i) No Government servant shall, save in the ordinary course of business with a bank, or a firm of standing duly authorised to conduct banking business, either himself or through any member of his family or any other person acting on his behalf—

(a) lend or borrow money, as principal or agent to or from any person within the local limits of his authority or with whom he is likely to have official dealings, or otherwise place himself under any pecuniary obligation to such person; or

(b) lend money to any person at interest or in a manner whereby return in money or in kind is charged or paid:

Provided that a Government servant may, give to, or accept from, a relative or a personal friend, a purely temporary loan of a small amount, free of interest, or operate a credit account, with a *bona fide* tradesman or make an advance of pay to his private employee:

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[1][Provided further that nothing in this sub-rule, shall apply in respect of any transaction entered into by a Government servant with the previous sanction of the Government.]

(ii) When a Government servant is appointed or transferred to a post of such nature as would involve him in the breach of any of the provisions of sub-rule (2) or sub-rule (4), he shall forthwith report the circumstances to the Government and shall thereafter act in accordance with such orders, as may be made by the Government.

COMMENTARY

1. **Amendment.**—Second proviso, after the existing proviso of clause (i) of Rule 16 (4) of this Rule, was inserted by the Notification No. 1267-731-1 (iii), Bhopal, dated the 22nd June, 1966 published in the Madhya Pradesh Rajpatra dated the 1st day of July, 1966 at page 666 of Part IV (Ga).

2. **Corresponding Laws.**—This Rule is corresponding to Rule 16 of the Madhya Pradesh Government Servants (Conduct) Rules, 1959 and Rule 13 of the Madhya Pradesh Civil Services (Conduct) Rules, 1956. It is also corresponding to Rule 13 of the Central Civil Services (Conduct) Rules.

3. **Investment, lending and borrowing.**—The General Book Circular of the Government of Madhya Pradesh enacts on the point of above Rule that—

" (1) What is intended by speculation in investments is illustrated by the following—

There exists an essential difference between permanent and speculative investments. The distinction is one of motive and the frequency of a man's purchases and sales may be, and usually is very good evidence of his motive in effecting them. If an officer habitually buys and sells securities of a value notoriously fluctuating, it is clear that he is addicted to speculation, and he thereby undoubtedly lays himself open to the disapproval of Government which can be expressed in various ways, and in a degree proportionate to the nature of the dereliction. If he engages in such pursuits to an extent which attracts public notice and unfavourable remarks, so that his integrity or his application to his public duties is discussed and doubted, then he has given rise to a scandal with which the Government will have to deal.

(2) In case of a Government servant belongs to a Joint Hindu Family which has been carrying on the business of money-lending as an ancestral profession, a relaxation of the prohibition may be allowed subject to the conditions that the Government servant takes no active share in the basiness, and that in the district in which he may be posted, on transactions of the firm are carried on.

(3) (i) In cases where a Government servant who is under orders of transfer to another area is indebted to any person within the area to which he is transferred, such Government servant shall before taking over charge make known to Government

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1. Inserted by the Government of Madhya Pradesh Notification No. 1267-731-1 (iii) Bhopal, dated the 22nd June, 1966 published in the Madhya Pradesh Rajpatra dated 1-7-1966 Part IV (Ga) at Page 666.

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or the head of his department the circumstances of such indebtedness.

(ii) If any person who may be appointed to Government service is at the time of such appointment indebted to any person, he must before entering on the duties of the office make known to Government or the appointing authority, the circumstances of his indebtedness, failing which he shall be subject to the same penalty as if the debt had been contracted subsequently to his being appointed to the said office."

See General Book Circular of the Government of Madhya Pradesh of 1958 Revised Edition at pages 8 and 9, and Chandak's Madhya Pradesh Government Servants Rules and Regulations, Volume II at pages 17 and 18.

18. Insolvency and Habitual Indebtedness.—A Government servant shall so manage his private affairs as to avoid habitual indebtedness or insolvency. A Government servant against whom any legal proceeding is instituted for the recovery of any debt due from him or for adjudging him as an insolvent forthwith report the full facts of the legal proceeding to the Government.

Note.—The burden of proving that the insolvency or indebtedness was the result of circumstances which, with the exercise of ordinary diligence, the Government servant could not have foreseen, or over which he had no control, and had not proceeded from extravagent or dissipated habits shall be upon the Government Servant.

COMMENTARY

1. **Corresponding Laws.**—This Rule is corresponding to Rule 17 of the Madhya Pradesh Government Servants (Conduct) Rules, 1959 and Rule 14 of the Madhya Pradesh Civil Services (Conduct) Rules, 1956. It is also corresponding to Rule 14 of the Central Civil Services (Conduct) Rules, 1955.

2. **Habitual indebtedness and insolvency.**—This Rule prohibits the Government Servants from habitual indebtedness or insolvency. A Government servant who becomes the subject of a legal proceeding for insolvency must forthwith report the full facts to the Government.

The Book Circular of the Government of Madhya Pradesh, 1958 Revised Edition at pages 8 and 9, lays down: —

" (1) When a Government servant is adjudged or declared an insolvent or when a moiety of the salary of such Government servant is constantly being attached or has been continuously under attachment for a period exceeding two years or is attached for a sum, which, in ordinary circumstances, cannot be repaid within a period of two years, he will render himself liable for action for breach of this Rule.

(2) In every such case, the matter should be reported to Government through the usual channel.

(3) When a moiety of an officer's salary is attached, the report should show what is the proportion of the debts to the salary how far they detract from the debtor's efficiency as a Government servant, whether the debtor's position is irretrievable, and whether, in the circumstances of the case, it is desirable to retain him in the post occupied by him when the matter was brought to notice, or in any post under Government.

(4) In every case under this Rule, the burden of proving that the insolvency or indebtedness is the result of circumstances which, with

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the exercise of ordinary diligence the debtor could not have foreseen or over which he had no control, and has not proceeded from extravagant or dissipited habits, will be upon the debtor."

19. Movable, immovable and Valuable Property.—(1) Every Government servant shall on his appointment to any service or post, and thereafter at such intervals as may be specified by the Government, submit a return of his assets and liabilities, in such form as may be prescribed by the Government, giving the full particulars regarding –

(a) the immovable property inherited by him, or owned or acquired by him or held by him on lease or mortgage, either in his own name or in the name of any member of his family or in the name of any other person;

(b) shares, debentures and cash including bank deposits inherited by him or similarly owned, acquired or held by him;

(c) other movable property inherited by him or similarly owned, acquired or held by him;

(d) debts or other liabilities incurred by him directly or indirectly.

Note. I.—Sub-rule (1) shall not ordinarily apply to Class IV servants but the Government may direct that it shall apply to any such Government servant or class of such Government Servants.

Note. II.—In all returns, the value of items of movable property worth less than Rs. 1000.00 may be added and shown as a lump sum. The value of articles of daily use such as clothes, utensils, crockery, books, etc. need not be included in such return.

Note. III —Every Government servant who is in service on the date of the commencement of these Rules shall submit a return under this sub-rule on or before such date as may be specified by the Government after such commencement.

(2) No Government servant shall, except with the previous knowledge of the prescribed authority, acquire or dispose of any immovable property by lease, mortgage, purchase, sale, gift otherwise either in his own name or in the name of any member of his family:

Provided that the previous sanction of the prescribed authority shall be obtained by the Government servant if any such transaction is—

(i) with a person having official dealingsiwith the Government servant; or

(ii) otherwise than through a regular or reputed dealer.

(3) Every Government servant shall report to the prescribed authority every [1][transaction entered into by him either in his own name or in the name of a member of his family in respect of movable property], if the value of such property exceeds Rs. 1000.00 in the case of a Government servant holding any

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1. In Rule 18(3) the words "transaction concerning movable property owned or held by him either in his own name or in the name of a member of his family" were substituted by the words "transaction entered into by him either in his own name or in the name of a member of his family in respect of movable property" by the Madhya Pradesh Government Notification No. 1267-731-I (iii) Bhopal, dated 22nd June 1966 published in the Madhya Pradesh Rajpatra, Part IV (Ga) of 1-7-1966 at page 666.

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Class I or Class II post or Rs. 500.00 in the case of a Government servant holding any Class III or Class IV post :

Provided that the previous sanction of the prescribed authority shall be obtained if any such transaction is—

(i) with a person having official dealings with the Government servant; or

(ii) otherwise than through a regular or reputed dealer.

(4) [1][(i) The Government or the prescribed authority may, at any time, by general or special order, require a Government servant to furnish, within a period specified in the order, a full and complete statement of such movable or immovable property held or acquired by him or on his behalf or by any member of his family as may be specified in the order. Such statement shall, if so required by the Government or by the prescribed authority, include the details of the means by which, or the source from which such property was acquired.

[2][(ii) If the movable and immovable property, is, or at any time was, found to be beyond his known sources of income, it shall be presumed, unless the contrary is proved by the Government servant, that the acquisition was from a corrupt source.]

(5) The Government may exempt any category of Government servants belonging to Class III or Class IV from any of the provisions of this Rule except sub-rule (4). No such exemption shall, however, be made without the concurrence of the Government in the General Administration Department.

Explanation.—For the purpose of this Rule.—

(1) the expression "movable property" includes—

(a) jewellery, insurance policies the annual premium of which exceeds Rs. 1000.00 or one-sixth of the total annual emoluments received from Government whichever is less, shares, securities and debentures;

(b) loans abvanced by such Government servants whether secured or not;

(c) motor cars, motor cycles, horses or any other means of conveyance; and

(d) refrigerators, radios and radiograms.

(2) "Prescribed authority" means—

(a) (i) the Government in the case of a Government servant holding any Class I post, except where any lower authority is specifically specified by the Government for any purpose ;

(ii) Head of Department, in the case of a Government servant holding any Class II post ;

(iii) Head of office, in the case of a Government servant holding any Class III or Class IV post ;

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1. Sub-rule (4) of Rule 18 was renumbered as clause (i) by notification No. 2279-CR—320-1 (iii), Bhopal, dated the 15th November, 1966 published in M.P. Rajpatra, Part IV (Ga) of 25-11-1966 at page 978.

2. After clause (i) of sub-rule (4) of Rule 18 so renumbered, Clause (ii) was added by M.P. Government Notification No. 2279-CR. 320-1 (iii) of 15-11-1966 Published in the Madhya Pradesh Rajpatra Part IV (Ga) dated 25-11-1966 at page 978.

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(b) in respect of a Government servant on foreign service or on deputation to any other Government, the parent, department on the cadre of which such Government servant is borne or the administrative department of Government to which he is administratively subordinate as member of that cadre.

COMMENTARY

1. **Amendments**—This Rule was affected by the Madhya Pradesh Government Notification No. 1267-731-I (iii) of the 22nd day of June, 1966 published in the Madhya Pradesh Rajpatra Part IV (Ga) of 1-7-1966 at page 666. By this notification in Rule 18 (3) the words "transaction concerning movable property owned or held by him either in his own name or in the name of a member of his family" were substituted by the words "transaction entered into by him either in his own name or in the name of a member of his family in respect of movable property."

This Rule was also affected by the notification No. 2279-CR-320-I (iii) of the 15th of November, 1955 published in the Madhya Pradesh Rajpatra, Part IV (Ga) of 25-11-1966, at page 978. By this notification sub-rule (4) was renumbered as clause (i) and after the said clause, clause (ii) was added.

2. **Corresponding Laws.**—Rule 18 of the present Rules is corresponding to Rule 18 of the Madhya Pradesh Government Servants (Conduct) Rules, 1959, and Rule 15 of the Madhya Pradesh Civil Services (Conduct) Rules, 1956.

3. **Interpretation of the Rule by the Book Circular.**—The Book Circular of the Government of Madhya Pradesh lays down regarding Rule 15 of the Madhya Pradesh Civil Services (Conduct) Rules, 1956, which is corresponding to the present Rules that—

(1) "The *sine qua non* for sanctioning for sale or purchase of property is that the transaction is a fair one. Sanction will not be given merely on the report of an agreement between the vendor and the vendee. The vendor must report the nature of his relations with the vendee so as to enable the sanctioning authority to judge whether the latter is in such relation with the former as to make the transaction proposed suitable.

(2) **Immovable Property.**—The following procedure is prescribed for obtaining sanction for the sale, purchase or disposal by other means of immovable property:—

"Application for acquiring property should be made to the Collector of the district where the property is situated in Form II appended to these instructions. If the collector is satisfied as to the reasonableness of the transaction and the fairness of the consideration and the absence of the abuse of official position, he may permit the transaction if the value of the consideration ranges between Rs. 200/- and Rs 500/-. If the value of the consideration exceeds Rs.500/- the Collector should forward the application with the recommendations to the Administrative Department concerned through the head of the department. The Administrative Department shall be competent to pass the final orders in cases other than the following which shall be referred to the General Administration before the issue of final orders:—

(a) cases in which the Administrative Department differs from the Collector; and

(a) cases relating to transactions by heads of departments, and administrative officers, such as, Superintending Engineers, Deputy Inspector-General of Police, Conservators of Forests and officers serving for the time being in the Secretariate.

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Such applications need not be forwarded through the Collector, if the property is purchased in an auction sale, held by a Court of law or is sold by the Municipal Committee or Improvement Trust.

(3) The declaration of landed property required by Rule 15 (Rule 19 of the present Rules) should be made by every Government servants on the first appointment or promotion to a post under Government and at prescribed intervals thereafter. In the Case of Government servants for whom a character roll is maintained the declaration of landed property with particulars, if any, should be made in the space provided for the purpose in the form of the roll and no separate record of landed property need be kept. In the case of officers for whom personal confidential files are maintained, the declaration should be taken in Form I appended to these instructions and kept along with their personal confidential files.

(4) **Movable Property.**—Application for acquiring movable property exceeding one thousand rupees in value from a dealer or agent should be admitted in Form III appended to these instructions through the Collector of the district to the prescribed authority, mentioned in sub-rule (1) of Rule 15 (which is corresponding to the present Rule). The Collector should report to the prescribed authority whether the dealer or agent is a regular or reputed one. In cases where the dealer or agent is found to be not a regular or reputed one, sanction of the prescribed authority is necessary." [1]

4. **Prescribed Forms.**—The following are the forms prescribed by the Book Circular of the Government of Madhya Pradesh.

"FORM I

(N.B.—If you have no landed property, score out B.
If you possess any score out A)

A.—I hereby declare that I have no landed property.

B.—I hereby declare that I possess landed property as under:

Name of owner	Town or village, tahsil, district, etc.	Title.	Description by Khasra No. etc.	Area.	Approximate value.	Annual rent or revenue.
(1)	(2)	(3)	(4)	(5)	(6)	(7)
				A. g.	A. g.	A. g.

I have noted that if I hereafter require any landed property, I must declare the fact within one month of the date on which accrual comes to my knowledge.

1. See Book Circular of the Government of Madhya Pradesh (1958 Edition) pages 10, 11 to 16.

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Dated.....19...

(Signed).....
Name..... .....
Designation of Government Officer.
.....
District in which serving.....

N.B.—Property held or managed by or on behalf of an official's wife or other members of his family including minor children, joint with or living with or in any way dependent on him is for the purposes of the declaration considered to be held or managed by the official himself."

"FORM II

Form of Application

1. Name, father's name, designation, and permanent address of the purchaser. .....
2. Name, father's name, occupation place of business and permanent address of the seller.....
3. Name of village or town, tahsil and district. .....
4. Full description of the property to be purchased. .....
5. Annual land revenue or rent of the land, plot or building. ....
6. Amount for which the property is to be purchased.....
7. Remarks.....

....
Date.....19.... Signature of the applicant.

"FORM III

Form of Application

[For movable property exceeding one thousand rupees in value.]

1. Name, father's name, designation and permanent address of the purchaser .....
2. Name of the dealer or agent and his address.....
3. Full description of the property.....
4. Value of the property .....
5. Remarks..... .....

....
Date.....19.... Signature of the applicant.

(1) Book Circular of the Government of Madhya Pradesh (1958 Revised Edition) at pages 11 to 16.

20. Vindication of Acts and Character of Government servant.—(1) No Government servant shall, except with the previous sanction of the Government, have recourse to any Court or to the press or the vindication of any official act

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which has been the subject-matter of adverse criticism or an attack of a defamatory character.

(2) Nothing in this Rule shall be deemed to prohibit a Government servant from vindicating his private character or any act done by him in his private capacity and where any action for vindicating his private character or any act done by him in private capacity is taken, the Government servant shall submit a report to the prescribed authority, regarding such action.

COMMENTARY

1. **Corresponding Laws.**—This Rule is corresponding to Rule 19 of the Madhya Pradesh Government Servants (Conduct) Rules, 1959 and Rule 16 of the Madhya Pradesh Civil Services (Conduct) Rules, 1956.

2. **Scope.**—The Book Circular of the Government of Madhya Pradesh (1958 Revised Edition) enacts that "In granting sanction to have recourse to a Court of law, Government will, in each case, decide whether it will itself bear the cost of the proceedings, or whether the Government servant shall institute the proceedings at his own expense, and, if so, whether in the event of a decision in his favour Government shall reimburse him to the extent of the whole or any part of the costs. Detailed instructions in this respect are contained in the Law Department Manual."

21. Canvassing of non-official or other influence.—No Government servant shall bring or attempt to bring any political or other influence to bear upon any superior athority to further his interests in respect of matters pertaining to his service under the Government.

COMMENTARY

1. **Corresponding Laws.**—This Rule is corresponding to Rule 20 of the Madhya Pradesh Government Servants (Conduct) Rules, 1959 and Rule 17 of the Madhya Pradesh Civil Servants (Conduct) Rules, 1956.

2. **Scope.** The Book Circular of the Government of Madhya Pradesh (1958 Revised Edition) lays down relating to Rule 17 of the Madhya Pradesh Civil Services (Conduct) Rules, 1956, which is corresponding to the present Rule that—

"(1) A Government servant is strictly forbidden from approaching any member of the Vidhan Sabha or the Press with a view to having his personal grievances made the subject or interpellations in the Vidhan Sabhas or article in the Press. Similarly Government view will disfavour the practice of subordinate officials aproaching superior officers or higher authorities (including Ministers) through third parties in regard to service matters e. g., transfers promotions, preferments, etc.)

"(2) Government have, however, no desire to bar avenues of redress to subordinate officials. Methods of Appeals and representation in accordance with rules are open to them. If, however, in any particular instance, a Government servant wishes to represent his case on a service matter to a higher authority personally, he must send a request for an interview through the proper channel and await further orders. Such a request will hardly be refused."

22. Bigamous marriages.—(1) No Government Servant who has a wife living shall contract another marriage without first obtaining the permission of the Government, notwithstanding that such subsequent marriage is permissible under the personal law for the time being applicable to him.

(2) No female Government servant shall marry any person who has a wife living without first obtaining the permission of the Government.

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COMMENTARY

1. **Corresponding Law.**—Rule 21 of the Madhya Pradesh Government Servants (Conduct) Rules, 1959 is corresponding to the present Rule.

23. Consumption of Intoxicating Drinks and Drugs.—A Government servant shall—

(a) strictly abide by any law relating to intoxicating drinks or drugs in force in any area in which he may happen to be for the time being;

(b) take due care that the performance of his duties is not affected in any way by the influence of any intoxicating drink or drug;

(c) not appear in a public place in a state of intoxication;

(d) not habitually use any intoxicating drink or drug in excess.

COMMENTARY

1. **Corresponding Law.**—This Rule is corresponding to Rule 22 of the Madhya Pradesh Government Servants (Conduct) Rules, 1959.

24. Interpretation.—If any question arises relating to the interpretation of these Rules, it shall be referred to the Government whose decision thereon shall be final.

COMMENTARY

1. **Corresponding Law.**—This Rule is corresponding to Rule 23 of the Madhya Pradesh Government Servants (Conduct) Rules, 1959.

25. Delegation of powers.—The Government may, by general or special order, direct that any power exercisable by it or any head of department under these Rules (except the power under Rule 23 and this Rule) shall, subject to such conditions, if any, as may be specified in the order, be exercisable also by such officer or authority as may be specified in the order.

COMMENTARY

1. **Corresponding Law.**—This Rule is corresponding to Rule 24 of the Madhya Pradesh Government Servants (Conduct) Rules, 1959.

2. **Scope.**—The Government has reserved the right of interpretation and delegation of powers. All powers may be delegated by general or special order, as directed by the Government, but the power of interpretation under Rule 23 and delegation of powers under Rule 24 of these Rules

26. Repeal and Saving.—Any Rules corresponding to these Rules in force immediately before the commencement of these Rules and applicable to Government servants to whom these Rules apply are hereby repealed:

Provided that any order made or action taken under the Rules so repealed shall be deemed to have been made or taken under the corresponding provisions of these Rules.

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THE MADHYA PRADESH CIVIL SERVICES (CLASSIFICATION, CONTROL AND APPEAL) RULES, 1966.

Notification No. 2936-2414-1(iii), Bhopal, dated the 30th December, 1966.— In exercise of the powers conferred by proviso to Article 309 of he Constitution the Governor of Madhya Pradesh hereby makes the following Rules, namely:—

PART I

General

1. Short title and commencement.—(1) These Rules may be called **The Madhya Pradesh Civil Services (Classification, Control and Appeal) Rules, 1966.**

(2) They shall come into force on the date of their publication in the Gazette.

COMMENTARY

1. **General.**—The Madhya Pradesh Civil Services (Classification, Control and Appeal) Rules, 1966 were made by the Governor of Madhya Pradesh in exercise of the powers conferred by proviso to Article 309 of the Constitution of India and were published by notification No. 2936-2414-I (iii), Bhopal, the 30th day of December, 1966 in the Madhya Pradesh Rajpatra (Asadharan) of the 7th day of January, 1967 at page 250. These Rules came into force on the date of their publication in the Gazette.

2. Interpretation.—In these Rules, unless the context otherwise requires—

(a) "appointing authority" in relation to a Government Sarvant means—

(i) the authority empowered to make appointments to the Service of which the Government servant is for the time being a member or to the grade of the Service in which the Government servant is for the time being included; or

(ii) the authority empowered to make appointments to the post which the Government servant for the time being holds; or

(iii) the authority which appointed the Government servant to such Service, grade or post, as the case may be; or

(iv) where the Government servant having been a permanent member of any other Service or having substantively held any other permanent post, has been in continuous employment of the Government, the authority which appointed him to that Service or to any grade in the Service or to that post,

whichever authority is the highest authority.

(b) "Commission" means the Madhya Pradesh Public Service Commission;

(c) "Department of the Government of Madhya Pradesh' means any establishment or organisation declared by the Governor of Madhya Pradesh;

(d) "Disciplinary authority" means the authority competent under these Rules to impose on a Government servant any of the penalties specified in Rule 10;

(e) "Government" means the Government of Madhya Pradesh;

(f) "Government Servant" means a person who--

(i) is a member of a Service or holds a civil post under the State, and includes any such person on foreign service or whose services are temporarily placed at the disposal of the Union Government, or any other State Government or a local or other authority;

(ii) is a member of a Service or holds a civil post under the Government of India or any other State Government and whose services are temporarily placed at the disposal of the State Government;

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(iii) is in the service of a local or other authority and whose services are temporarily placed at the disposal of the State Government;

(g) "Head of the Department" for the purpose of exercising the powers as appointing, disciplinary, appellate or reviewing authority, means the authority, declared to be the head of the department under the Fundamental and Supplementary Rules or the Civil Service Regulations, as the case may be;

(h) "Schedule" means the Schedule to these Rules;

(i) "Service" means a civil service of the State;

(j) "State" means the State of Madhya Pradesh.

3. Application.—(1) These Rules shall apply to every Government servant but shall not apply to—

(a) any member of the All-India Services,

(b) any person in casual employment;

(c) any person subject to discharge from service on less than one month's notice,

(d) any person for whom special provision is made, in respect of matters covered by these Rules, by or under any law for the time being in force or by or under any agreement entered into by or with the previous approval of the Governor before or after the commencement of these Rules, in regard to matters covered by such special provisions.

(2) Notwithstanding anything contained in sub-rule (1) the Governor may by order exclude any class of Government servants from the operation of all or any of these Rules.

(3) Notwithstanding anything contained in sub-rule (1), these Rules shall apply to every Government servant temporarily transferred to a Service or post coming within exception (d) in sub-rule (1), to whom but for such transfer, these Rules would apply.

(4) If any doubt arises—

(a) whether these Rules or any of them apply to any person; or

(b) whether any person to whom these Rules apply belongs to a particular Service;

the matter shall be referred to the Governor, who shall decide the same.

PART II.

Classification

4. Classification of Services.—(1) The Civil Services of the State shall be classified as follows:—

(i) State Civil Services Class I;

(ii) State Civil Services Class II;

(iii) State Civil Services Class III;

(iv) State Civil Services Class IV.

(2) If a service consists of more than one grade, different grades of such Service may be included in different Classes.

5. Constitution of State Civil Services.—The State Civil Services, Class I, Class II, Class III and Class IV shall consist of the Services and grades of services specified in the Schedule, and such other services or grades or posts, as may be notified by the State Government from time to time.

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6. Classification of Posts.—(1) Civil posts under the State other than those ordinarily held by persons to whom these Rules do not apply, shall by a general or special order of the Governor, be classified as follows:—

(i) State Civil Posts, Class I;

(ii) State Civil Posts, Class II;

(iii) State Civil Posts, Class III;

(iv) State Civil Posts, Class IV.

(2) Any order made by the competent authority, and in force immediately before the commencement of these Rules, relating to classification of civil posts under the State, shall continue to be in force until altered, rescinded or amended by an order made by the Governor under sub-rule (1).

PART III

Appointing Authority

7. Appointments to Class I and Class II Services and posts.—All appointments to State Civil Services, Class I and Class II shall be made by the State Government:

Provided that the State Government may by a general or a special order and subject to such conditions as it may specify in such order, delegate to any other authority the power to make such appointments.

8. Appointments to other Services and Posts.—All appointments to the State Civil Services Class III and Class IV shall be made by the authorities specified in this behalf in the Schedule.

PART IV

Suspension

9. (1) The appointing authority or any authority to which it is subordinate or the disciplinary authority or any other authority empowered in that behalf by the Governor by general or special order, may place a Government Servant under suspension—

(a) where a disciplinary proceeding against him is contemplated or is pending, or

(b) where a case against him in respect of any criminal offence is under investigation, inquiry or trial:

Provided that where the order of suspension is made by an authority lower than the appointing authority such authority shall forthwith report to the appointing authority the circumstances in which the order was made.

(2) A Government servant shall be deemed to have been placed under suspension by an order of appointing authority—

(a) with effect from the date of his detention, if he is detained in custody, whether on a criminal charge or otherwise, for a period exceeding forty-eight hours;

(b) with effect from the date of his conviction, if in the event of a conviction for an offence, he is sentenced to a term of imprisonment exceeding forty-eight hours and is not forthwith dismissed or removed or compulsorily retired consequent to such conviction.

Explanation.—The period of forty-eight hours referred to in clause (b) of this sub-rule shall be computed from the commencement of the imprisonment

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after the conviction and for this purpose, intermittent periods of imprisonment, if any, shall be taken into account.

(3) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon a Government servant under suspension is set aside in appeal or on review under these Rules and the case is remitted for further inquiry or action or with any other directions, the order of his suspension shall be deemed to have continued in force on and from the date of the original order of dismissal, removal or compulsory retirement and shall remain in force until further orders.

(4) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon a Government Servant is set aside or declared or rendered void in consequence of or by a decision of a Court of law and the disciplinary authority, on a consideration of the circumstances of the case, decides to hold a further inquiry against him on the allegations on which the penalty of dismissal, removal or compulsory retirement was originally imposed, the Government servant shall be deemed to have been placed under suspension by the appointing authority from the date of the original order of dismissal, removal or compulsory retirement and shall continue to remain under suspension until further orders.

(5) (a) An order of suspension made or deemed to have been made under this Rule, shall continue to remain in force until it is modified or revoked by the authority competent to do so.

(b) Where a Government servant is suspended or is deemed to have been suspended, (whether in connection with any disciplinary proceeding or otherwise and any other disciplinary proceeding is commenced against him during the continuance of that suspension, the authority competent to place him under suspension may, for reasons to be recorded by him in writing, direct that the Government servant shall continue to be under suspension until the termination of all or any of such proceedings.

(c) An order of suspension made or deemed to have been made under this Rule may at any time be modified or revoked by the authority which made or is deemed to have made the order or by any authority to which that authority is subordinate.

PART V.

Penalties and Disciplinary Authorities

10. Penalties.— The following penalties may, for good and sufficient reasons and as hereinafter provided, be imposed on a Government servant, namely:—

Minor Penalties—

(i) Censure;

(ii) Withholding of his promotion;

(iii) recovery from his pay of the whole or part of any pecuniary loss caused by him to the Government by negligence or breach of orders;

(iv) Withholding of increments of pay;

Major Penalties—

(v) reduction to a lower stage in the time-scale of pay for a specified period, with further directions as to whether or not, the Government Servant will earn increments of pay during

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the period of such reduction and whether on the expiry of such period, the reduction will or will not have the effect of postponing the future increments of his pay;

(vi) reduction to a lower time-scale of pay, grade or Service which shall ordinarily be a bar to the promotion of the Government servant to the time-scale of pay, grade, post or Service from which he was reduced, with or without further direction regarding conditions of restoration to the grade or post or Service from which the Government servant was reduced and his seniority and pay on such restoration to that grade, post or Service;

(vii) compulsory retirement;

(viii) removal from service which shall not be a disqualification for future employment under the Government;

(ix) dismissal from service which shall ordinarily be a disqualification for future employment under the Government:

Provided that a Government servant shall not be reduced to a Service, grade, or post lower than that to which he was appointed at the time of his entry in Government Service.

Explanation.— The following shall not amount to a penalty within the meaning of this Rules, namely:—

(i) withholding of increments of pay of a Government Servant for his failure to pass any Departmental Examination in accordance with the Rules or orders governing the Service to which he belongs or post which he holds or the terms of his appointment;

(ii) stoppage of a Government servant at the efficiency bar in the time scale of pay on the ground of his unfitness to cross the bar;

(iii) non-promotion of a Government servant, whether in a substantive or officiating capacity, after consideration of his case, to a service, grade or post for promotion to which he is eligible;

(iv) reversion of a Government servant officiating in a higher service, grade or post, to a lower service, grade or post, on the ground that he is considered to be unsuitable for such higher Service, grade or post or on any administrative ground unconnected with his conduct;

(v) reversion of a Government servant, appointed on probation to any other Service, grade or post, to his permanent Service, grade or post during or at the end of the period of probation in accordance with the terms of his appointment or the Rules and Orders governing such probation;

(vi) replacement of the services of a Government servant, whose services had been borrowed from the Union Government or any other State Government or an authority under the Control of any such Government, at the disposal of the authority from which the Services of such Government servant had been borrowed;

(vii) Compulsory retirement of a Government servant in accordance with the provisions relating to his superannuation or retirement;

(viii) termination of services—

(a) of a Government servant appointed on probation during or at the end of the periods of his probation, in accordance with the terms of his appointment or the Rules and orders governing such probation; or

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(b) of a temporary Government servant appointed until further orders on the ground that his services are no longer required; or

(c) of a Government servant employed under an agreement, in accordance with the terms of such agreement.

11. Punishment of Members of Class IV Service.—Besides the penalties specified in Rule 10, the penalty of fine not exceeding Rupees five may also be imposed on a Government Servant belonging to Class IV service [1][by appointing authority or any other authority specified in the schedule in this behalf] for petty carelessness, unpunctuality, idleness or similar misconduct of a minor nature:

Provided that the maximum fine imposed on any Government servant in any month should not exceed Rupees five;

[Provided further that the order of fine imposed in accordance with this rule shall not be subject to review under rule 29.][1]

12. Disciplinary Authorities.— (1) The Governor may impose any of the penalties specified in Rule 10 on any Government Servant.

(2) Without prejudice to the provisions of sub-rule (1) but subject to the provisions of sub-rule (3), any of the penalties specified in Rule 10 may be imposed on—

(a) a member of a State Civil Service by the appointing authority or the authority specified in the Schedule in this behalf or by any other authority empowered in this behalf by a general or special order of the Governor;

(b) a person appointed to a State Civil Post by the authority specified in this behalf by a general or special order of the Governor or, where no such order has been made by the appointing authority or the authority specified in the Schedule in this behalf.

(3) Notwithstanding anything contained in this Rule—

(a) no penalty specified in clauses (v) to (ix) of Rule 10 shall be imposed by any authority subordinate to the appointing authority;

(b) where a Government servant who is a member of a service, is temporarily appointed to any other Service or Post, the authority competent to impose on such Government servant any of the penalties unless it has consulted such authority, not being an authority subordinate to it, as would have been competent under sub-rule (2) to impose on the Government servant any of the said penalties had he not been appointed to such other Service or post.

Explanation.— Where a Government servant belonging to a Service or holding a State Civil Post of any class is promoted, whether on probation or temporarily to the Service or Civil post of the next higher class, he shall be deemed for the purposes of this Rule to belong to the Service of, or hold the State Civil Post of such higher class.

13. Authority to institute Proceedings —(1) The Government or any other authority empowered by him by a general or special order may—

(a) institute disciplinary proceedings against any Government Servant;

(b) direct a disciplinary authority to institute disciplinary proceedings against any Government Servant on whom that disciplinary authority is competent to impose under these Rules any of the penalties specified in Rule 10.

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1. Inserted vide Notification No. 1514-3533-I (iii)/67 of 27-6-1967 Published in M.P Rajpatra, Part, IV, (Ga) of 7-7-1967 at Page 394.

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(2) A disciplinary authority competent under these Rules to impose any of the penalties specified in clauses (i) to (iv) of Rule 10 may institute disciplinary proceedings against any Government servant for the imposition of any of the penalties specified in clauses (v) to (ix) of Rule 10 notwithstanding that such disciplinary authority is not competent under these Rules to impose any of the latter penalties.

PART VI.

Procedure for imposing Penalties.

14. Procedure for imposing Major Penalties.— (1) No order imposing any of the penalties specified in clauses (v) to (ix) of Rule 10 shall be made except after an inquiry held, as far as may be, in the manner provided in this Rule and Rule 15 or in the manner provided by the Public Servants (Inquiries) Act, 1850 (Act 37 of 1850), where such inquiry is held under that Act.

(2) Whenever the disciplinary authority is of opinion that there are grounds for inquiring into the truth of any imputation of misconduct or misbehaviour against a Government servant, it may itself inquire into, or appoint under this Rule or under the provisions of the Public Servants (Inquiries) Act, 1850 (Act 37 of 1850), as the case may be, an authority to inquire into the truth thereof.

Explanation.— Where the disciplinary authority itself holds the inquiry, any reference in sub-rule (7) to sub-rule (20) and in sub-rule (22) to the inquiring authority shall be construed as a reference to the disciplinary authority.

(3) Where it is proposed to hold an inquiry against a Government servant under this Rule and Rule 15, the disciplinary authority shall draw up or cause to be drawn up—

(i) the substance of the imputations or misconduct of misbehaviour into definite and distinct articles of charge;

(ii) a statement of the imputations or misconduct or misbehaviour in support of each article of charge, which shall contain—

(a) a statement of all relevant facts including any admission or confession made by the Government Servant;

(b) a list of documents by which, and a list of witnesses by whom, the articles of charge are proposed to be sustained.

(4) The disciplinary authority shall deliver or cause to be delivered to the Government servant a copy of the articles of charge, the statement of the imputations of misconduct or misbehaviour and a list of documents and witnesses by which such articles of charge is proposed to be sustained and shall require the Government servant to submit, within such time as may be specified, a written statement of his defence and to state whether he desires to be heard in person.

(5) (a) On receipt of the written statement of defence, the disciplinary authority may itself inquire into such of the articles of charge as are not admitted, or if it considers it necessary so to do, appoint, under sub-rule (2), an enquiring authority for the purpose, and where all the articles of charges have been admitted by the Government servant in his written statement of defence, the disciplinary authority shall record its findings on each charge after taking such evidence as it may think fit and shall act in the manner laid down in Rule 15.

(b) If no written statement of defence is submitted by the Government servant, the disciplinary authority may itself inquire into the articles of charge or may, if it considers it necessary to do so, appoint under sub-rule (2) an inquiring authority for the purpose.

(c) Where the disciplinary authority itself inquiries into any article of charge or appoint an inquiring authority for holding an enquiry into such

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charge, it may by an order, appoint a Government servant or a legal practitioner, to be known as the "Presenting Officer" to present on its behalf the case in support of the articles of charge.

(6) The disciplinary authority shall, where it is not the inquiring authority, forward to the inquiring authority—

(i) a copy of the articles of charge and the statement of the imputations of misconduct or misbehaviour;

(ii) a copy of the written statement of defence, if any, submitted by the Government servant;

(iii) a copy of the statements of witnesses. if any, referred to in sub-rule (3);

(iv) evidence providing the delivery of the documents referred to in sub-rule (3) to the Government servant; and

(v) a copy of the order appointing the "Presenting Officer."

(7) The Government servant shall appear in person before the inquiring authority on such day and at such time within ten working days from the date of receipt by him of the articles of charge and the statement of the imputations of misconduct or misbehaviour, as the inquiring authority may, by a notice in writing specify in this behalf, or within such further time, not exceeding ten days, as inquiring authority may allow.

(8) The Government servant may take the assistance of any other Government servant to present the case on his behalf, but may not engage a legal practitioner for the purpose unless the Presenting Officer appointed by the disciplinary authority is a legal practitioner, or the disciplinary authority, having regard to the circumstances of the case, so permits.

(9) If the Government servant who has not admitted any of the articles of charge in his written statement of defence or has not submitted any written statement of defence, appears before the inquiring authority, such authority shall ask him whether he is guilty to any of the articles of charge. the inquiring authority shall record the plea, sign the record and obtain the signature of the Government servant thereon.

(10) The inquiring authority shall return a finding of guilt in respect of these articles of charge to which the Government servant pleads guilty.

(11) The inquiring authority shall, if the Government servant fails to appear within the specified time or refuses or omits to plead, require the Presenting Officer to produce the evidence by which he proposes to prove the articles of charge, and shall adjourn the case to a later date not exceeding thirty days, after recording an order that the Government servant may, for the purpose of preparing his defence—

(i) inspect within five days of the order or within such further time not exceeding five days as the enquiring authority may allow, the documents specified in the list referred to in sub-rule (3);

(ii) submit a list of witnesses to be examined on his behalf.

Note.—If the Government servant applies orally or in writing for the supply of copies of the statements of witnesses mentioned in the list referred to in sub-rule (3), the inquiring authority shall furnish him with such copies as early as possible, and in any case not later than three days before the commencement of the examination of the witnesses on behalf of the disciplinary authority.

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(iii) give a notice within ten days of the order or within such further time not exceeding ten days as the inquiring authority may allow, for the discovery or production of any documents which are in the possession of Government but not mentioned in the list referred to in sub-rule (3).

Note.—The Government servant shall indicate the relevance of the documents required by him to be discovered and produced by the Government.

(12) The inquiring authority shall, on receipt of the notice for the discovery or production of documents, forward the same or copies thereof to the authorities in whose custody or possession the documents are kept, with a requisition for the production of the documents by such date as may be specified in such requisition:

Provided that the inquiring authority may, for reason to be recorded by it in writing, refuse to requisition such of the documents as are, in its opinion, not relevant to the case.

(13) On receipt of the requisition referred to in sub-rule (12), every authority having the custody or possession of the requisitioned documents shall produce the same before the inquiring authority:

Provided that if the authority having the custody or possession of the requisitioned documents is satisfied for reasons to be recorded by it in writing that the production of all or any of such documents would be against the public interest or security of the State, it shall inform the inquiring authority accordingly and the inquiring authority shall, on being so informed, communicated the information to the Government servant and withdraw the requisition made by it for the production or discovery of such documents.

(14) On the date fixed for the inquiry, the oral and documentary evidence by which the articles of charge are proposed to be proved shall be produced by or on behalf of the disciplinary authority. The witnesses shall be examined by or on behalf of the Presenting Officer and may be cross-examined by or on behalf of the Government servant. The Presenting Officer shall be entitled to re-examine the witnesses on any points on which they have been cross-examined but not on any new matter, without the leave of the enquiring authority. The inquiring authority may also put such questions to the witnesses as it thinks fit.

(15) If it shall appear necessary before the close of the case on behalf of the disciplinary authority, the inquiring authority may, in its discretion, allow the Presenting Officer to produce evidence not included in the list given to the Government servant or may itself call for new evidence or recall and re-examine any witness and in such case the Government servant shall be entitled to have, if he demands it, a copy of the list of further evidence proposed to be produced and an adjournment of the inquiry for three clear days before the production of such new evidence, exclusive of the day of adjournment and the day to which the enquiry is adjourned. The inquiring authority may also allow the Government servant to produce new evidence, if it is of the opinion that the production of such evidence is necessary in the interest of justice.

Note.—New evidence shall not be permitted or called for or any witness shall not be recalled to fill up any gap in the evidence. Such evidence may be called for only when there is an inherent lacuna or defect in the evidence which has been produced originally.

(16) When the case for the disciplinary authority is closed, the Government servant shall be required to state his defence, orally or in writing, as he

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may prefer. If the defence is made orally, it shall be recorded and the Government servant shall be required to sign the record, in either case, a copy of the statement of defence shall be given to the Presenting Officer, if any, appointed.

(17) The evidence on behalf of the Government servant shall then be produced. The Government servant may examine himself in his own behalf if he so prefers. The witnesses produced by the Government servant shall then be examined and shall be liable to cross-examination, re-examination and examination by the inquiring authority according to the provisions applicable to the witnesses for the disciplinary authority.

(18) The inquiring authority may, after the Government servant, closes his case, and shall, if the Government servant has not examined himself generally question him on the circumstances appearing against him in the evidence for the purpose of enabling the Government servant to explain any circumstances appearing in the evidence against him.

(19) The inquiring authority may, after the completion of the production of evidence, hear the Presenting Officer, if any, appointed and the Government servant, or permit them to file written briefs of their respective case, if they so desire.

(20) If the Government servant to whom a copy of the articles of charge has been delivered, does not submit the written statement of defence on or before the date specified for the purpose or does not appear in person before the inquiring authority or otherwise fails or refuses to comply with the provisions of this Rule, the inquiring authority may hold the inquiry *ex-parte*.

(21) (a) Where a disciplinary authority competent to impose any of the penalties specified in clauses (i) to (iv) of Rule 10, (but not competent to impose any of the penalties specified in clauses (v) to (ix) of Rule 10), has itself inquired into or the articles of any charge and that authority, having regard to its own findings or having regards to its decision on any of the findings of any inquiring authority appointed by it, is of opinion that the penalties specified in clauses (v) to (ix) of Rule 10 should be imposed on the Government servant, that authority shall forward the records of the inquiry to such disciplinary authority as is competent to impose the last mentioned penalties.

(b) The disciplinary authority to which the records are so forwarded may act on the evidence on the record or may, if it is of the opinion that further examination of any of the witnesses if necessary in the interests of justice recall the witness and examine, cross-examine and re-examine the witness and may impose on the Government servant such penalty as it may deem fit in accordance with these Rules.

(22) Whenever any inquiring authority, after having heard and recorded the whole or any part of the evidence in an inquiry ceases to exercise jurisdiction therein and is succeeded by another inquiring authority which has, and which exercises, such jurisdiction, the inquiring authority so succeeding may act on the evidence so recorded by its predecessor, or partly recorded by itself:

Provided that if the succeeding inquiring authority is of the opinion that further examination of any of the witnesses whose evidence has already been recorded is necessary in the interest of justice, it may recall, examine, cross-examine and re-examine any such witnesses as hereinbefore provided.

(23) (i) After the conclusion of the inquiry, a report shall be prepared and it shall contain—

(a) the articles of charge and the statement of the imputations of misconduct or misbehaviour;

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(b) the defence of the Government servant in respect of each article of charge;

(c) an assessment of the evidence in respect of each article of charge;

(d) the findings on each article of charge and the reasons therefor.

Explanation.—If in the opinion of the inquiring authority the proceedings of the enquiry establish an article of charge different from the original articles of the charge, it may record its finding on such article of charge:

Provided that the finding on such article of charge shall not be recorded unless the Government servant has either admitted the facts on which such article of charge is based or has had a reasonable opportunity of defending himself against such article of charge.

(ii) The inquiring authority where it is not itself the disciplinary authority, shall forward to the disciplinary authority the records of inquiry which shall include—

(a) the report prepared by it under clause (i);

(b) the written statement of defence, if any, submitted by the Government servant;

(c) the oral and documentary evidence produced in the course of the inquiry;

[(d) written briefs, if any, filed by the Presenting Officer or the Government servant or both during the course of the inquiry; and

(e) the orders, if any, made by the disciplinary authority and the inquiring authority in regard to the inquiry.

15. Action on the inquiry report.—(1) The disciplinary authority, if it is not itself the inquiring authority may, for reasons to be recorded by it in writing, remit the case to the inquiring authority for further inquiry and report and the inquiring authority shall thereupon proceed to hold the further inquiry according to the provisions of Rule 14, as far as may be.

(2) The disciplinary authority shall, if it disagrees with the findings of the inquiring authority on any article of charge, record its reasons for such disagreement and record its own findings on such charge, if the evidence on record is sufficient for the purpose.

(3) If the disciplinary authority having regard to its findings on all or any of the articles of charge is of the opinion that any of the penalties specified in clauses (i) to (iv) of Rule 10 should be imposed on the Government servant, it shall, notwithstanding anything contained in Rule 16, make an order imposing such penalty:

Provided that in every case where it is necessary to consult the Commission, the record of the inquiry shall be forwarded by the disciplinary authority to the Commission for its advice and such advice shall be taken into consideration before making any order imposing any penalty on the Government servant.

(4) (i) If the disciplinary authority having regard to its findings on all or any of the articles of charge, is of the opinion that any of the penalties specified in clauses (v) to (ix) of Rule 10 should be imposed on the Government servant, it shall—

(a) furnish to the Government servant a copy of the report of the inquiry held by it and its findings on each article of charge or, where the inquiry has been held by an inquiring authority, appointed by it, a copy of the report of such authority and a statement of its findings on each

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article of charge together with brief reasons for its disagreement, if any, with the findings of the inquiring authority;

(b) give the Government servant a notice stating the penalty proposed to be imposed on him and calling upon him to submit within fifteen days of receipt of the notice of such further time not exceeding fifteen days, as may be allowed, such representation as he may wish to make on the proposed penalty on the basis of the evidence adduced during the inquiry held under Rule 14.

(ii) (a) In every case in which it is necessary to consult the Commission, the record of the inquiry, together with a copy of the notice given under clause (i) and the representation made in pursuance of such notice, if any, shall be forwarded by the disciplinary authority to the Commission for its advice.

(b) The disciplinary authority shall after considering the representation, if any, made by the Government servant, and the advise given by the Commission, determine what penalty, if any, should be imposed on the Government servant and make such order as it may deem fit.

(iii) Where it is not necessary to consult the Commission the disciplinary authority shall consider the representation, if any, made by the Government servant in pursuance of the notice given to him under clause (i) and determine what penalty (if any) should be imposed on him and make such order as it may deem fit.

16. Procedure for imposing minor penalties.—(1) Subject to the provisions of sub-rule (3) of Rule 15, no order imposing on a Government servant any of the penalties specified in clauses (i) to (iv) of the Rule 10 and Rule 11 shall be made except after—

(a) informing the Government servant in writing of the proposal to take action against him and of the imputations of misconduct or misbehaviour on which it is proposed to be taken, and giving him a reasonable opportunity of making such representation as he may wish to make against the proposal;

(b) holding an inquiry in the manner laid down in sub-rule (3) to (23) of Rule 14, in every case in which the disciplinary authority is of the opinion that such inquiry is necessary;

(c) taking the representation, if any, submitted by the Government servant under clause (a) and the record of the inquiry, if any, held under clause (b) into consideration;

(d) recording a finding on such imputation of misconduct or misbehaviour; and

(e) consulting the Commission, where such consideration is necessary.

(2) The record of the proceedings in such cases shall include—

(i) a copy of the intimation to the Government servant of the proposal to take action against him;

(ii) a copy of statement of imputation of misconduct or misbehaviour delivered to him;

(iii) his representation, if any;

(iv) the evidence produced during the inquiry;

(v) the advice of the Commission, if any;

(vi) the findings on each imputation of misconduct or misbehaviour; and

(vii) the orders of the case together with the reasons therefor.

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17. Communication of orders.—Orders made by the disciplinary authority shall be communicated to the Government servant who shall also be supplied with a copy of the report of the inquiring, if any, held by the disciplinary authority and a copy of its findings on each article of charge, or where the disciplinary authority is not the inquiring authority, a copy of the report of the inquiring authority and a statement of the findings of the disciplinary authority together with brief reasons for its disagreement, if any, with the findings of the inquiring authority (unless they have already been supplied to him) and also a copy of the advice, if any, given by the Commission and where the disciplinary authority has not accepted the advice of the Commission, a brief statement of the reasons for such non-acceptance.

18. Common Proceedings.—(1) Where two or more Government servants are concerned in any case, the Governor or any other authority competent to impose the penalty of dismissal from service on all such Government servants may make an order directing that disciplinary action against all of them may be taken in a common proceeding.

Note.—If the authorities competent to impose the penalty of dismissal on such Government servants are different, an order for taking disciplinary action in a common proceeding may be made by the highest of such authorities with the consent of others.

(2) Subject to the provisions of sub-rule (3) of Rule 12, any such order shall specify—

(i) the authority which may function as the disciplinary authority for the purpose of such common proceeding;

(ii) the penalties specified in Rule 10 which such disciplinary authority shall be competent to impose;

(iii) whether the procedure laid down in Rule 14 and Rule 15 or Rule 16 shall be followed in the proceeding.

19. Special procedure in certain cases.--Notwithstanding anything contained in Rule 14 to Rule 18—

(i) where any penalty is imposed on a Government Servant on the ground of conduct which has led to his conviction on a criminal charge, or

(ii) where the disciplinary authority is satisfied for reasons to be recorded by it in writing that it is not reasonably practicable to hold an inquiry in the manner provided in these Rules; or

(iii) where the Governor is satisfied that in the interest of the security of the State, it is not expedient to hold any inquiry in the manner provided in these Rules, the disciplinary authority may consider the circumstances of the case and make such orders thereon as it deems fit:

Provided that the Commission shall be consulted where such a consultation is necessary, before any orders are made in any case under this Rule.

20. Provisions regarding officers lent to the Union or any other State Government or any Subordinate or local Authority, etc.—Where the services of a Government servant are lent by one department to another department or to the Union Government or to any other State Government or any authority subordinate thereto or to a local or other authority (hereinafter in this Rule referred to as "the borrowing authority") the borrowing authority shall have the powers of the appointing authority for the purpose of placing such Government servant under suspension and of the disciplinary authority for the purpose of conducting a disciplinary proceeding against him:

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Provided that the borrowing authority shall forthwith inform the authority which lent the services of the Government servant (hereinafter in this Rule referred to as "the lending authority") of the circumstances leading to the order of suspension of such Government servant or the commencement of the disciplinary proceeding as the case may be.

(2) In the light of the findings in the disciplinary proceeding conducted against the Government servant—

(i) If the borrowing authority is of the opinion that any of the penalties specified in clauses (i) to (iv) of Rule 10 should be imposed on the Government servant, it may, after consultation with the lending authority, make such orders on the case as it deems necessary:

Provided that in the event of a difference of opinion between the borrowing authority and the lending authority, the services of the Government servant shall be replaced at the disposal of the lending authority;

(ii) if the borrowing authority is of the opinion that a penalty specified in Rule 11 should be imposed on any member of Class IV Government servant, it may impose such penalty without consulting the lending authority;

(iii) if the borrowing authority is of the opinion that any of the penalties specified in clauses (v) to (x) of Rule 10 should be imposed on the Government servant, it shall replace his services at the disposal of the lending authority and transmit to it the proceedings of the inquiry and thereupon the lending authority may, if it is the disciplinary authority, pass such orders thereon, as it may deem necessary, or, if it is not the disciplinary authority, submit the case to the disciplinary authority which shall pass such orders on the case as it may deem necessary:

Provided that before passing any such order the disciplinary authority shall comply with the provisions of sub-rules (3) and (4) of rule 15.

Explanation.—The disciplinary authority may make an order under this clause on the record of the inquiry transmitted to it by the borrowing authority, or after holding such further inquiry as it may deem necessary, as far as may, be in accordance with rule 14.

21. Provisions regarding officers borrowed from Union or other State Governments, etc.—(1) Where an order of suspension is made or a disciplinary proceeding is conducted against a Government servant whose services have been borrowed by one department from another department or from the Union Government or any other State Government or an authority subordinate thereto or a local or other authorities, the authority lending his services (hereinafter in this rule referred to as "the lending authority") shall forthwith be informed of the circumstances leading to the order of the suspension of the Government servant or of the commencement of the disciplinary proceeding, as the case may be.

(2) In the light of the findings in the disciplinary proceeding conducted against the Government servant if the disciplinary authority is of the opinion that any of the penalties specified in clauses (i) to (iv) of rule 10 should be imposed on him, it may, subject to the provisions of sub-rule (3) of rule 15, after consultation with the lending authority, pass such order, on the case as it may deem necessary:

(i) provided that in the event of a difference of opinion between the borrowing authority and the lending authority the services of the Government servant shall be replaced at the disposal of the lending authority;

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(ii) if the disciplinary authority is of the opinion that any of the penalties specified in clauses (iv) to (ix) of rule 10 should be imposed on the Government servant, it shall replace the services of such Government servant at the disposal of the lending authority and transmit to it the proceedings of the inquiry for such action as it may deem necessary.

PART VII

Appeals

22. Order against which no appeal lies.—Notwithstanding anything contained in this part, no appeal shall lie against—

(i) any order made by the Governor;

(ii) any order of an interlocutory nature or of the nature of a step-in-aid for the final disposal of a disciplinary proceeding;

[1][(ii-a) any order passed under rule 11;]

(iii) any order passed by an inquiring authority in the course of an inquiry under rule 14.

23. Orders against which appeal lies.—Subject to the provisions of rule 22, a Government servant may prefer an appeal against all or any of the following orders, namely:—

(i) an order imposing any of the penalties specified in rule 10 whether made by the disciplinary authority or by any appellate or reviewing authority;

(ii) an order enhancing any penalty, imposed under rule 10.

Explanation.—In this rule the expression "Government servant" includes a person who has ceased to be in Government service.

24. Appellate authorities.—(1) A Government servant including a person who has ceased to be in Government service, may prefer an appeal against all or any of the orders specified in rule 23 to the authority specified in this behalf either in Schedule or by a general or special order of the Governor or, where no such authority is specified.

(i) Where such Government servant is or was a member of a State Civil Service Class I or Class II or holder of a State Civil Post, Class I or Class II—

(a) to the appointing authority, where the order appealed against is made by an authority subordinate to it; or

(b) to the Governor, where such order is made by any other authority.

(ii) Where such Government servant is or was a member of a State Civil Service Class III or Class IV or holder of a State Civil Post, Class III or Class IV, to the authority to which the authority making the order appealed against is immediately subordinate.

(2) Notwithstanding anything contained in sub-rule (1)—

(i) an appeal against an order in a common proceeding held under rule 18 shall lie to the authority to which the authority functioning as the disciplinary authority for the purpose of that proceeding is immediately subordinate;

(ii) where the person who made the order appealed against becomes, by virtue of his subsequent appointment or otherwise, the appellate authority in respect of such order, an appeal against such order shall lie to the authority to which such person is immediately subordinate.

25. Period of limitation for appeals.—No appeal preferred under this part shall be entertained unless such appeal is preferred within a period of

1. Inserted vide Notification No. 1514-3533-I (iii)/67 of 27-6 1967 Published in M.P. Rajpatra Part IV (Ga) of 7-7-1967 at Page 394.

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fortyfive days from the date on which a copy of the order appealed against is delivered to the appellant :

Provided that the appellate authority may entertain the appeal after the expiry of the said period, if it is satisfied that the appellant had sufficient cause for not preferring the appeal in time.

26. Form and Contents of appeal.—(1) Every person preferring an appeal shall do so separately and in his own name.

(2) The appeal shall be presented to the authority to whom the appeal lies, a copy being forwarded by the appellant to the authority which made the order appealed against. It shall contain all material statements and arguments on which the appellant relies, shall not contain any disrespectful or improper language, and shall be complete in itself.

(3) The authority which made the order appealed against shall in receipt of a copy of the appeal, forward the same with its comments thereon together with the relevant records to the appellate authority without any avoidable delay, and without waiting for any direction from the appellate authority.

27. Consideration of appeal.—In the case of an appeal against an order imposing any of the penalties specified in rule 10 or enhancing any penalty imposed under the said rule, the appellate authority shall consider—

(a) whether the procedure laid down in these rules has been complied with and if not, whether such non-compliance has resulted in the violation of any provisions of the Constitution of India or in the failure of Justice;

(b) whether the findings of the disciplinary authority are warranted by the evidence on the record; and

(c) whether the penalty or the enhanced penalty imposed is adequate, inadequate or severe; and pass orders—

(i) confirming, enhancing, reducing, or setting aside the penalty; or

(ii) remitting the case to the authority which imposed or enhanced the penalty or to any other authority with such directions as it may deem fit in the circumstances of the case:

Provided that—

(i) The Commission shall be consulted in all cases where such consultation is necessary;

(ii) if the enhanced penalty which the appellate authority proposes to impose is one of the penalties specified in clauses (iv) to (ix) of rule 10 and an inquiry under rule 14 has not already been held in the case, the appellate authority shall, subject to the provisions of rule 19, itself hold such inquiry or direct that such inquiry be held in accordance with the provisions of rule 14 and thereafter, on a consideration of the proceedings of such inquiry and afte giving the appellant a reasonable opportunity, as far as may be, in accordanc with the provisions of sub-rule (4) of rule 15, of making representation againste the penalty, proposed on the basis of the evidence adduced during such inquiry, make such orders as it may deem fit;

(iii) if the enhanced penalty which the appellate authority proposes to impose is one of the penalties specified in clauses (v) to (ix) of rule 10 and an inquiry under rule 14 has already been held in the case, the appellate authority shall after giving the appellant a reasonable opportunity, as far as may be, in accordance with the provisions of sub-rule (4) of rule 15, of making representation against the penalty proposed on the basis of the evidence adduced during the inquiry, make such orders as it may deem fit; and

(iv) no order imposing an enhanced penalty shall be made in any other case unless the appellant has been given a reasonable opportunity, as far as may

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be, in accordance with the provisions of rule 16, of making a representation against such enhanced penalty.

28. Implementation of orders in appeal.—The authority which made the order appealed against shall give effect to the orders passed by the appellate authority.

PART VIII

Review.

29. (1) Notwithstanding anything contained in these rules [1][exccept Rule 11]

(i) the Governor; or

(ii) the head of a department directly under the State Government, in the case of a Government servant serving in a department or office, (not being the Secretariate), under the control of such head of a department; or

(iii) the appellate authority, within six months of the date of the order proposed to be reviewed; or

(iv) any other authorty specified in this behalf by the Governor by a general or special order, and within such time as may be prescribed in such general or special order; may at any time, either on his or its own motion or otherwise call for the records of any inquiry and review any order made under these rules or under the rules repealed by rule 34 from which an appeal is allowed but from which no appeal has been preferred or from which no appeal is allowed, after consultation with the Commission where such consultation is necessary, and may—

(a) confirm, modify or set aside the order; or

(b) confirm, reduce, enhance or set aside the penalty imposed by the order, or impose any penalty where no penalty has been imposed; or

(c) remit the case to the authority which made the order or to any other authority directing such authority to make such further inquiry as it may consider proper in the circumstances of the case; or

(d) pass such other orders as it may deem fit:

Provided that no order imposing or enhancing any penalty shall be made by any reviewing authority unless the Government servant concerned has been given a reasonable opportunity of making a representation against the penalty proposed and where it is proposed to impose any of the penalties specified in clauses (v) to (ix) of rule 10 or to enhance the penalty imposed by the order sought to be reviewed to any of the penalties specified in those clauses, no such penalty shall be imposed except after an inquiry in the manner laid down in rule 14 and after giving a reasonable opportunity to the Government servant concerned of showing cause against the penalty proposed on the evidence adduced during the inquiry and except after consultation with the Commission where such consultation is necessary:

Provided further that no power to review shall be exercised by the head of department unless—

(i) the authority which made the order in appeal; or

(ii) the authority to which an appeal would lie, where no appeal has been preferred, is subordinate to him.

Explanation.—The powers conferred on the Governor under this sub-rule shall in the case of a Class III or Class IV Government servant serving in a

1. These words were inserted by Notification No. 1514-3533-1 (iii)/67 of 27-6-1967 Published in M.P. Rajpatra Part IV (Ga) dated 7-7-1967 at Page 394.

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District Court or a Court subordinate thereto be exercised by the Chief Justice.

(2) No proceeding for review shall be commenced until after—

(i) the expiry of the period of limitation for an appeal; or

(ii) the disposal of the appeal where any such appeal has been preferred.

(3) An application for review shall be dealt with in the same manner as if it were an appeal under these rules.

PART IX

Miscellaneous

30. Service of Orders, Notices etc.—Every order, notice and other process made or issued under these rules shall be served in person on the Government servant concerned or communicated to him by registered post.

31. Power to relax time-limit and to condone delay.— Save as otherwise expressly provided in these rules, the authority competent under these rules to make any order may, for good and sufficient reasons or if sufficient cause is shown, extend the time specified in these rules for anything required to be done under these rules or condone any delay.

32. Supply of copy of Commission's advice.—Whenever the Commission is consulted as provided in these rules, a copy of the advice by the Commission, and where such advice has not been accepted, also a brief statement of the reasons for such non-acceptance, shall be furnished to the Government servant concerned along with a copy of the order passed in the case, by the authority making the order.

33. Transitory Provisions.— On and from the commencement of these rules until the publication of the Schedule under these rules, the Schedules to the Madhya Pradesh Civil Services (Classification, Control and Appeal) Rules, 1965, as amended from time to time, shall be deemed to be the Schedules relating to the respective categories of Government servants to whom they are, immediately before the commencement of these rules, applicable and such Schedules shall be deemed to be the Schedules referred to in the corresponding provisions of these rules.

34. Repeal and Saving.— (1) Subject to the provisions of rule 33, the Madhya Pradesh Civil Services (Classification, Control and Appeal) Rules, 1965 and any notifications or orders issued thereunder in so far as they are inconsistent with these rules, are hereby repealed:

Provided that—

(a) such appeal shall not affect the previous operation of the said rules, or any notification or order made, or anything done, or any action taken thereunder;

(b) any proceedings under the said rules, pending at the commencement of these rules shall be continued and disposed of as far as may be in accordance with the provisions of these rules, as if such proceedings were proceedings under these rules.

(2) Nothing in these rules shall be construed as depriving any person to whom these rules apply, of any right of appeal which had accrued to him under the rules, notification or orders in force before the commencement of these rules.

(3) An appeal pending at the commencement of these rules against an order made before such commencement shall be considered and order thereon shall be made, in accordance with these rules, as if such order were made, and the appeal were preferred under these rules.

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(4) As from the commencement of these rules any appeal or application for review against any orders made before such commencement shall be preferred or made under these rules, as if such orders were made under these rules:

Provided that nothing in these rules shall be construed as reducing any period of limitation for any appeal or review provided by any rule in force before the commencement of these rules.

35. **Removal of doubts.**— If any doubt arises as to the interpretation of any of the provisions of these rules, the matter shall be referred to the Governor or such other authority as may be specified by the Governor by a general or special order, and the Governor or such other authority shall decide the same.

THE PUBLIC SERVANTS (INQUIRIES) ACT, 1850

[*XXXVII of* 1850]

For regulating inquiries into the behaviour of Public Servants

Whereas it is expedient to amend the law for regulating inquiries into the behaviour of public servants not removable from their appointments without the sanction of Government, and to make the same uniform throughout India;

It is enacted as follows:

1. [1][*Repealed by Act No. 14 of 1870*]

2. **Articles of charge to be drawn out for public inquiry into conduct of certain public servants.**—Whenever the Government shall be of opinion that there are good grounds for making a formal and public inquiry into the truth of any imputation of misbehaviour by any person in the service of the Government, not removable from his appointment without the sanction of the Government, it may cause the substances of the imputations to be drawn into distinct articles of charge, and may order a formal and public inquiry to be made into the truth thereof.

3. **Authorities to whom inquiry may be committed.—Notice to accused.**— The inquiry may be committed either to the Court, Board or other authority to whome the person accused is subordinate, or to any other person or persons, to be specially appointed by the Government, commissioners for the purpose, notice of which commission shall be given to the person accused ten days at least before the beginning of the inquiry.

4. **Conduct of Government prosecutor.**—When the Government shall think fit to conduct the prosecution, it shall nominate some person to conduct the same on its behalf.

5. **Charge by accuser to be written and verified. Penalty for false accusation.—Institution of inquiry by Government.**—When the charge shall be brought by an accuser, the Government shall require the accusation to be reduced to writing, and verified by the oath or solemn affirmation of the accuser; and every person who shall wilfully and maliciously make any false accusation under this Act, upon such oath or affirmation, shall be liable to the penalties of perjury; but this enactment shall not be construed to prevent the Government from instituting any inquiry which it shall think fit, without such accusation on oath or solemn affirmation as aforesaid.

6. **Security from accuser left by Government to prosecute.**—Where the imputation shall have been made by an accuser, and the Government shall

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1. The short title was given by Act No. 14 of 1897. This has been declared to be in force in whole of India, except Part B States and the Scheduled Districts, by the Local Extent Act, 1874 (XV of 1874), section 3.

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think fit to leave to him the conduct of the prosecution, the Government before appointing the commission shall require him to furnish reasonable security that he will attend and prosecute the charge thoroughly and effectually and also will be forthcoming to answer any countercharge or action which may be afterwards brought against him for malicious prosecution or perjury or subordination of perjury, as the case may be.

7. Power of Government to abandon prosecution and to allow accuser to continue it.—At any subsequent stage of the proceedings, the Government may, it thinks fit, abandon the prosecution, and in such case may, if it thinks fit, on the application of the accuser, allow him to continue the prosecution, if he is desirous of so doing, on his furnishing such security as is hereinbefore mentioned.

8. Powers of commissioners.—Their protection.—Service of their process.—Powers of Court, etc. acting under Commission.—The Commissioner shall have the same power of punishing contempts and obstructions to their proceedings, as is given to Civil and Criminal Courts by the Code of Criminal Procedure, 1898, and shall have the same powers for the summons of witnesses, and for compelling the production of documents, and for the discharge of their duty under the commission, and shall be entitled to the same protection as the Zila and City Judges, except that all process to cause the attendance of witnesses or other compulsory process, shall be served through and executed by the Zila or City Judge in whose jurisdiction the witness or other person resides, on whom the process is to be served, and if he resides within Calcutta, Madras or Bombay, then through the Supreme Court of Judicature thereto. When the commission has been issued to a Court, or other person or persons having power to issue such process in the exercise of their ordinary authority, they may also use all such power for the purposes of the commission.

9. Penalty for disobedience to process.—All persons disobeying any lawful process issued as aforesaid for the purposes of the commission shall be liable to the same penalties as if the same had issued originally from the Court or other authority through whom it is executed.

10. Copy of charge and list to be furnished to accused.—A copy of the articles of the charge, and list of the documents and witnesses by which each charge is to be sustained, shall be delivered to the person accused, at least three days before the beginning of the inquiry, exclusive of the day of delivery and the first day of inquiry.

11. Procedure at beginning of inquiry.—Non appearance of accused and admission of charge.—At the beginning of the inquiry the prosecutor shall exhibit the articles of charge to the commissioners, which shall be openly read, and the person accused shall thereupon be required to plead "guilty" or "not guilty" to each of them, which pleas shall be forthwith recorded with the articles of charge. If the person accused refuses, or without reasonable cause neglects, to appear to answer the charge either personally or by his counsel or agent, he shall be taken to admit the truth of the articles of charge.

12. Prosecutor's right of address.—The prosecutor shall then be entitled to address the commissioners in explanation of the articles of charge, and of the evidence by which they are to be proved, his address shall not be recorded.

13. Evidence for prosecution and examination of wintnesses.—Re-examination by prosecutor.—The oral and documentary evidence for the prosecution shall then be exhibited, the witnesses shall be examined by or on behalf of the prosecutor and may be cross-examined by or on behalf of the person accused. The prosecutor shall be entitled to re-examine the witnesses on any points on

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which they have been cross-examined, but not on any new matter, without leave of the commissioners, who also may put such questions as they think fit.

14. **Power to admit or call for new evidence for prosecution—Accused's right to adjournment.**—If it shall appear necessary before the close of the case for the prosecution, the commissioner may, in their discretion allow the prosecutor to exhibit evidence not included in the list given to the person accused, or may themselves, call for new evidence; and in such case the person accused shall be entitled to have, if he demands it, an adjournment of the proceedings for three clear days, before the exhibition of such new evidence exclusive of the day of adjournment and of the day to which the proceedings are adjourned.

15. **Defence of accused.—To be recorded only when written.**—When the case for the prosecution is closed, the person accused shall be required to make his defence, orally or in writing, as he shall prefer. If made orally, it shall not be recorded; if made in writing, it shall be recorded, after being openly read, and in that case a copy shall be given at the same time to the prosecutor.

16. **Evidence for Defence and exmination of witnesses.**—The evidence for the defence shall then be exhibited, and the witnesses examined, who shall be liable to cross-examination and re-examination and to examination by the Commissioners according to the like rules as the witnesses for the prosecution.

17. *Repealed by Act No. 12 of 1876.*

18. **Notes of oral evidence.**—The commissioners or some person appointed by them shall take notes in English of all the oral evidence, which shall be read aloud to each witness by whom the same was given, and if necessary, explained to him in the language in which it was given and shall be recorded with the proceedings.

19. **Inquiry when closed with defence.—Prosecutor when entitled to reply and give evidence.—Accused not entitled to adjournment.**—If the person accused makes only an oral defence and exhibits no evidence, the inquiry shall end with his defence; if he records a written defence, or exhibits evidence, the prosecutor shall be entitled to a general oral reply on the whole, case and may also exhibit evidence to contradict any evidence exhibited for the defence, in which case the person accused shall not be entitled to any adjournment of the proceedings, although such new evidence were not included in the list furnished to him.

20. **Power to require amendment of charge and to adjourn.—Reasons for refusing adjournment to be recorded.**—When the Commissioners shall be of opinion that the articles of charge, or any of them are not drawn with sufficient clearness and precision, the Commissioners may, in their discretion, require the same to be amended, and may thereupon, on the application of the person accused, adjourn the inquiry for a reasonable time. The Commissioners may also, if they think fit, adjourn the inquiry from time to time, on the application of either the prosecutor or the person accused on the ground of sickness or unavoidable absence of any witness or other reasonable cause. When such application is made and refused, the Commissioners shall record the application, and their reasons for refusing to comply with it.

21. **Report of Commissioner's proceedings.**—After the close of the inquiry the Commissioners shall forthwith report to the Government their proceedings under the commission, and shall send with the record thereof their opinion upon each of the articles of charge separately, with such observations as they think fit on the whole case.

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22. Power to call for further evidence or explanation—Inquiry into additional articles of charge.—Reference of report of special commissioners Final orders.—The Government, on consideration of the report of the commissioners, may order them to take further evidence, or give further explanation of their opinions. It may also order additional articles of charge to be framed, in which case the inquiry into the truth of such additional articles shall be made in the same manner as is herein directed with respect to the original charges. When special commissioners have been appointed, the Government may also, if it thinks fit, refer the report of the commissioners to the Court or other authority to which the person accused is subordinate, for their opinion on the case; and will finally pass such orders thereon as appear just and consistent with its powers in such cases.

23. Definition of Government.—In this Act, "The Government" means the Central Government in the case of persons employed under that Government, and the State Government in the case of persons employed under that Government.

24. Saving of enactments as to dismissal of certain officers, Commission under Act for their trial.—Nothing in this Act shall be construed to repeal any Act or regulation in force for the suspension or dismissal of Principal and other Sadar Amins or of Deputy Magistrates or Deputy Collectors, but a commission may be issued for the trial of any charge against any of the said officers, under this Act, in any case in which the Government shall think it expedient.

25. Saving of power of removal without inquiry under the Act.—Nothing in this Act shall be construed to affect the authority of Government, for suspension or removing any public servant for any cause without any inquiry under this Act.

THE MADHYA BHARAT PUBLIC SERVANTS (INQUIRIES) ACT, 1954

[*Act IX of* 1954]

(*Received the assent of His Highness the Raj Pramukh on the 1st April, 1954*)

An Act to provide for Regulating inquiries into the behaviour of Public Servants, in the State of Madhya Bharat.

Be it enacted as follows :—

1. Title, Extent and Commencement.—(1) This Act may be called the Madhya Bharat Public Servants (Inquiries) Act, 1954.

(2) It extends to the whole of Madhya Bharat.

(3) It shall come into force on such date as may be noted in this behalf by the Government in the Gazette.

2. Definition.—"Board" means the Board of Revenue of Madhya Bharat.

3. Article of charge to be drawn out for public inquiry into conduct of certain Public Servants.—Whenever the Government shall be of the opinion that there are good grounds for making formal and public enquiry into the truth of any imputation of misbehaviour by any person in the service of the Government not removable from his appointment without the sanction of the Government, it may cause the substance of the imputations to be drawn into distinct articles of charge, and may order a formal and public inquiry to be made into the truth thereof.

4. Authorities to whom inquiry may be committed.—Notice to accused.—The inquiry may be committed either to the Court, Board or other authority to which the person accused is subordinate, or to any other person or persons, to

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be specially appointed by the Government Commissioners for the purpose, notice of which commission shall be given to the person accused, at least ten days before the beginning of the inquiry.

5. **Conduct of Government Prosecution.**—When the Government shall think fit to conduct the prosecution, it shall nominate some person for that purpose on its behalf.

6. **Charge by accuser to be written and verified—Penalty for false accusation—Institution of inquiry by Government.**—When the charge shall be brought by an accuser, the Government shall require the accusation to be reduced in writing, and verified by the oath or solemn affirmation of the accuser; and every person who shall wilfully and maliciously make any false accusation under this Act upon such oath or affirmation, shall be liable to the penalties of perjury but this enactment shall not be construed to prevent the Government from instituting any inquiry which it shall think fit, without such accusation on oath or solemn affirmation as aforesaid.

7. **Security from accuser left by Government to prosecute.**—Where the imputation shall have been made by an accuser and the Government shall think fit to leave to him the conduct of the prosecution, the Government before appointing the commission shall require him to furnish reasonable security that he will attend and prosecute the charge thoroughly, effectually and also will be forthcoming to answer any countercharge or action which may be afterwards brought against him for malicious prosecution or perjury or subordinate of perjury, as the case may be.

8. **Power of Government to abandon prosecution and to allow accuser to continue it.**—At any subsequent stage of the proceedings, the Government may, if it thinks fit, abandon the prosecution, and in such case may, if it thinks fit, on the application of the accuser, allow him to continue the prosecution, if he is desirous of so doing on his furnishing such security as is hereinbefore mentioned.

9. **Power of Commissioners.—Their Protection - Service of their Process.—Powers of Court, etc. acting under Commission.**—The Commissioners shall have the same power of punishing contempts and obstructions to their proceedings, as given to Civil and Criminal Courts by Code of Criminal Procedure, 1898 and shall have the same powers for the summons of witnesses, and for compelling the production of documents, and for the discharge of their duty under the commission, and shall be entitled to the same protection, as the Civil Judges, except that process to cause the attendance of witness or other compulsory process, shall be served through and executed by the Civil Judge in whose jurisdiction the witness or other persons resides, on whom the process to be served. When the Commission has been issued to a Court, or other person or persons, having power to issue such process in the exercise of their ordinary authority, they may also use all such power for the purposes of the Commission.

10. **Penalty for disobedience to process.**—All persons disobeying any lawful process issued as aforesaid for the purposes of the Commission shall be liable to the same penalties as if the same had been issued originally from the Court or other authority whom it is executed.

11. **Copy of charge and list to be furnished to accused.**—A copy of the articles of charge, and list of the documents and witnesses by which each charge is to be sustained shall be delivered to the person accused, at least three days before the beginning of the inquiry exclusive of the day of delivery and the first day of the inquiry.

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12. Procedure at beginning of inquiry.—Non-appearance of accused and admission of charge.—At the beginning of the inquiry the prosecutor shall exhibit the articles of charge to the Commissioners, which shall be openly read, and the person accused shall thereupon be required to plead "guilty" or "not guilty" to each of them, which pleas shall be forthwith recorded with the articles of charge. If the person accused refuses or without reasonable cause neglects to appear to answer the charge either personally or by his counsel or agent, he shall be taken to admit the truth of the articles of charge.

13. Prosecutor's right of address.—The prosecutor shall then be entitled to address the Commissioners in explanation of the articles of charge and of the evidence by which they are to be proved; his address shall not be recorded.

14. Evidence for prosecution and Examination of witnesses.—Re-examination by Prosecutor.—The oral and documentary evidence for the prosecution shall then be exhibited, the witnesses shall be examined by or on behalf of the prosecutor and may be cross examined by or on behalf of the person accused. The prosecutor shall be entitled to re-examine the witnesses on any points on which they have been cross-examined, but not on any new matter, without leave of the Commissioners, who also may put such questions as they think fit.

15. Power to admit or call for new evidence for prosecution.—Accused's right to adjournment.—If it shall appear necessary before the close of the case for the prosecution, the Commissioners may in their discretion allow the prosecutor to exhibit evidence not included in the list given to the person accused shall be entitled to have, if he demands it, an adjournment of the proceedings for three clear days, before the exhibition of such new evidence exclusive of the day of adjournment and of the day on which the proceedings are adjourned.

16. Defence of accused to be recorded only when written.—When the case of prosecution is closed the person accused shall be required to make his defence orally or in writing as he shall prefer. If made orally it shall not be recorded, if made in writing, it shall be recorded, after being openly read and in that case a copy shall be given at the time to the prosecutor.

17. Evidence for defence and examination of witnesses.—The evidence for the defence shall then be exhibited, and the witnesses examined, who shall be liable to cross-examination and re-examination by the Commissioners according to the like rules as the witnesses for the prosecution.

18. Notes to oral evidence.— The Commissioners or some other person appointed by them shall take notes in Hindi of all the oral evidence, which shall be read aloud to each witness by whom the same was given and, if necessary explained to him, and shall be recorded with the proceedings.

19. Inquiry when closed with defence—Prosecutor when entitled to reply and give evidence— Accused not entitled to adjournment—If the person accused makes only an oral defence and exhibits no evidence, the inquiry shall end with his defence, if he records a written defence, or exhibits evidence, the prosecutor shall be entitled to a general oral reply on the whole case and may also exhibi t evidence to contradict any evidence exhibited for the defence, in which case the person accused shall not be entitled to any adjournment of the proceedings, although such new evidence were not included in the list furnished to him.

20. Power to require amendment of charge and to adjourn— Reasons for refusing adjournment to be recorded.— When the Commissioners shall be of opinion that the articles of charge or any of them are not drawn with sufficient clearness and precision, the Commissioner may, in their discretion, require the

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same to be amended, and may thereupon, on the application of the person accused, adjourn the inquiry for a reasonable time. The Commissioners may also, if they think fit, adjourn the inquiry from time to time on the application of either the prosecutor or the person accused on the ground of sickness or unavoidable absence of any witness or other reasonable cause. When such application is made and refused the Commissioners shall record the application and their reasons for refusing to comply with it.

21. Report of Commissioner's proceedings.— After the close of the inquiry the Commissioners shall forthwith report to Government their proceedings under the Commission and shall send with the record thereof their opinion upon each of the articles of charge separately, with such observations as they think fit on the whole case.

22. Power to call for further evidence or explanation—Inquiry into additional articles of charge—Reference of report of Special Commissioner's final orders.— The Government on consideration of the Report of the Commissioners may order them to take further evidence, or give further explanation of their opinions. It may also order additional articles of charge to be framed, in which case the inquiry into the truth of such additional articles shall be made in the same manner as is herein directed with respect to the original charges. When Special Commissioners have been appointed, the Government may also, if it thinks fit, refer the report of the Commissioners to the Court or the authority to which the person accused is subordinate, for their opinion on the case; and will without undue delay finally pass such orders thereon as appear just and consistent with its powers, in such cases, and while passing such orders the Government may, if the Commissioners so recommend, grant some money to the accuser by way of reward or compensation.

23. Saving of power of Removal without Inquiry under Act.—Nothing in this Act shall be construed to affect—

(a) the authority of the Government for suspending or removing any public servant for any cause without an inquiry under this Act;

(b) the provisions of any Rules framed under Article 309 of the Constitution of India.

24. Repeals.— As soon as this Act comes into force all Acts and other laws, Rules and Regulations dealing with the inquiries into the behaviour of such public servants, as are dealt with by this Act, in force in any part of Madhya Bharat, shall stand repealed:

Provided that those cases which have been already instituted and are being dealt with under those Acts, laws, Rules, or Regulations shall continue to be so dealt with as if those Acts, laws, Rules or Regulations had not been so repealed.

THE MADHYA PRADESH ATYAVASHYAK SEVA SANDHARAN ADHYADESH, 1968.

[*M.P. Ordinance No.* 7 *of* 1968.]

Promulgated by the Governor in the Nineteenth Year of the Republic of India.

[First Published in the Madhya Pradesh Gazette Extraordinary dated the 8th July, 1968.

An ordinance to provide for the maintenance of certain essential services.

Whereas the State Legislature is not in session and the Governor of Madhya Pradesh is satisfied that circumstances exist which render it necessary for him to take immediate action,

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Now, therefore, in exercise of the powers conferred by Article 213 of the Constitution of India, the Governor of Madhya Pradesh is hereby pleased to make and promulgate the following Ordinance:—

1. **Short title, extent and duration.**—(I) This Ordinance may be called the Madhya Pradesh Atyavashyak Seva Sandharan Adhyadesh, 1968.

(2) It extends to the whole of Madhya Pradesh.

(3) It shall cease to have effect on the expiration of two years from its commencement except as respects things done or omitted to be done before such expiration.

COMMENTARY

This Ordinance has been amended by the Madhya Pradesh Atyavashyak Seva Sandharan (Sanshodhan) Adhyadesh, 1968 (Madhya Pradesh Ordinance No. 7 of 1968) which was published in the Madhya Pradesh Rajpatra(Asadharan) dated the 8th day of July, 1968 at page 1137.

2. **Definition.**—In this Ordinance—

(a) "essential service" means—

(i) a civil service of the State and includes every civil post under the State but does not include an All India Service;

(ii) a service under a Municipal Council, constituted under the Madhya Pradesh Municipalities Act, 1961, (Act No. 37 of 1961.);

(iii) a service under any body corporate constituted by or under a law enacted by the State Legislature;

(b) "Strike" with respect to an essential service means—

(i) a total or partial cessation of work; or

(ii) a refusal to work; or

(iii) a demonstration or creating of disturbance in connection with the execution of regular office work; or

(iv) constituting or remaining within the office premises outside the office hours notified by Government in the Gazette from time to time; or

(v) absence from duty without prior sanction of leave;

by a number of persons belonging to an essential service acting in combination or in a concerted manner or under a common understanding.

Explanation.— "Office premises" means the building in which the business of the office is transacted and shall include its verandahs and also the garden, grounds and outhouses, if any, appertaining to such building.

3. **Power to prohibit strikes in essential services.**—(1) If the State Government is satisfied that in the public interest it is necessary or expedient so to do, it may, by general or special order, prohibit strike in any essential service specified in the order.

(2) An order made under sub-section (1) shall be published in such manner as the State Government considers best calculated to bring it to the notice of the persons affected by the order.

(3) An order made under sub-section (1) shall in the first instance be in force for a period not exceeding six months but the State Government may, by

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a like order, extend it from time to time by a further period not exceeding six months at one time, if it is satisfied that in the public interest it is necessary or expedient so to do.

(4) Upon the issue of an order under sub-section (1)—

(a) no person employed in any essential service to which the order relates shall go or remain on strike; and

(b) any strike declared or commenced, whether before or after the issue of the order by persons employed in any such class of essential service, shall be illegal.

4. Penalty for illegal strikes.—Any person employed in any essential service who commences a strike or remains or otherwise takes part in a strike which is illegal under this Ordinance; shall be punishable with imprisonment for a term [1][which may extend to three years, or with fine which may extend to five hundred rupees, or with both].

COMMENTARY

1. **Amendment.**—The words "which may extend to six months or with fine which may extend to two hundred rupees, or with both" have been substituted by the words, "which may extend to three years, or with fine which may extend to five hundred rupees, or with both" by clause 2 of the Madhya Pradesh Atyavashyak Seva Sandharan (Sanshodhan) Adhyadesh, 1966 (M.P. Ordinance No. 9 of 1966.) The said Ordinance was published in the Madhya Pradesh Rajpatra (Asadharan) dated 18th day of July, 1968 at page 1137.

5. Penalty for instigation, etc.—Any person, who instigates or incites others to take part in, makes any preparation for, or otherwise acts in furtherance or, a strike which is illegal under this Ordinance shall be punishable with imprisonment for a term [2][which may extend to three years] or with fine which may extend to five hundred rupees, or with both.

COMMENTARY.

1. **Amendment.**—The words "which may extend to one year" used in this clause have been substituted by the words "which may extend to three years" by clause 3 of the Madhya Pradesh Atyavashyak Seva Sandharan (Sanshodhan) Adhyadesh, 1968 (Madhya Pradesh Ordinance No. 9 of 1968.)

6. Penalty for giving financial aid to illegal strike.—Any person who knowingly expends or supplies any money in furtherance or support of a strike, which is illegal under this Ordinance shall be punishable with imprisonment for a term, [3][which may extend to three years] or with fine which may extend to five hundred rupees or with both.

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1. The words "which may extend to six months or with fine which may extend to two hundred rupees or with both" have been substituted by the words "which may extend to three years, or with fine which may extend to fixe hundred rupees, or with both" by Section 2 of the Madhya Pradesh Atyavashyak Seva Sandharan (Sanshodhan) Adhyadesh, 1968 (Madhya Pradesh Ordinance No. 9 of 1968.)
2. The words "which may extend to one year" have been substituted by the words "which may extend to three years" by Section 3 of the M.P. Ordinance No. 9 of 1968.
3. See Ibid.

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COMMENTARY

1. **Amendment.**—The words "which may extend to one year" used in this Clause have been substituted by the words "which may extend to three years" by clause 3 of the Madhya Pradesh Ordinance No. 9 of 1968.

7. Penalty to arrest without warrant.—Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898), any Police Officer may arrest without warrant any person who is reasonably suspected of having committed any offence under this Ordinance.

8. Ordinance to override other laws.—The provisions of this Ordinance or any order thereunder shall have effect, notwithstanding anything inconsistent therewith contained in the Madhya Pradesh Municipalities Act, 1961 (Act No. 37 of 1961) or any law enacted by the State Legislature under which the body corporate is constituted.

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